



## Addendum Planning Report

**To:** Council of the Town of South Bruce Peninsula

**From:** Jenn Burnett, Senior Development Planner

**Date:** December 5, 2023

**Re:** Applications - S-2022-030, L-2022-018 and Z-2022-142 for Barry's Construction and Insulation Ltd. c/o Stuart Doyle

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### Recommendation:

The proposed applications are consistent with the Provincial Policy Statement 2020, the Bruce County Official Plan and the Town of South Bruce Peninsula Official Plan.

It is recommended that Official Plan Amendment Application L-2022-018 and Zoning By-law Amendment Application Z-2022-142 for lands described as Part Lots 18 & 19, Concession 2 (Amabel) in the Township of South Bruce Peninsula, be approved; and,

That Council support the Conditions of Draft Approval for Plan of Subdivision file S-2022-030.

### Summary:

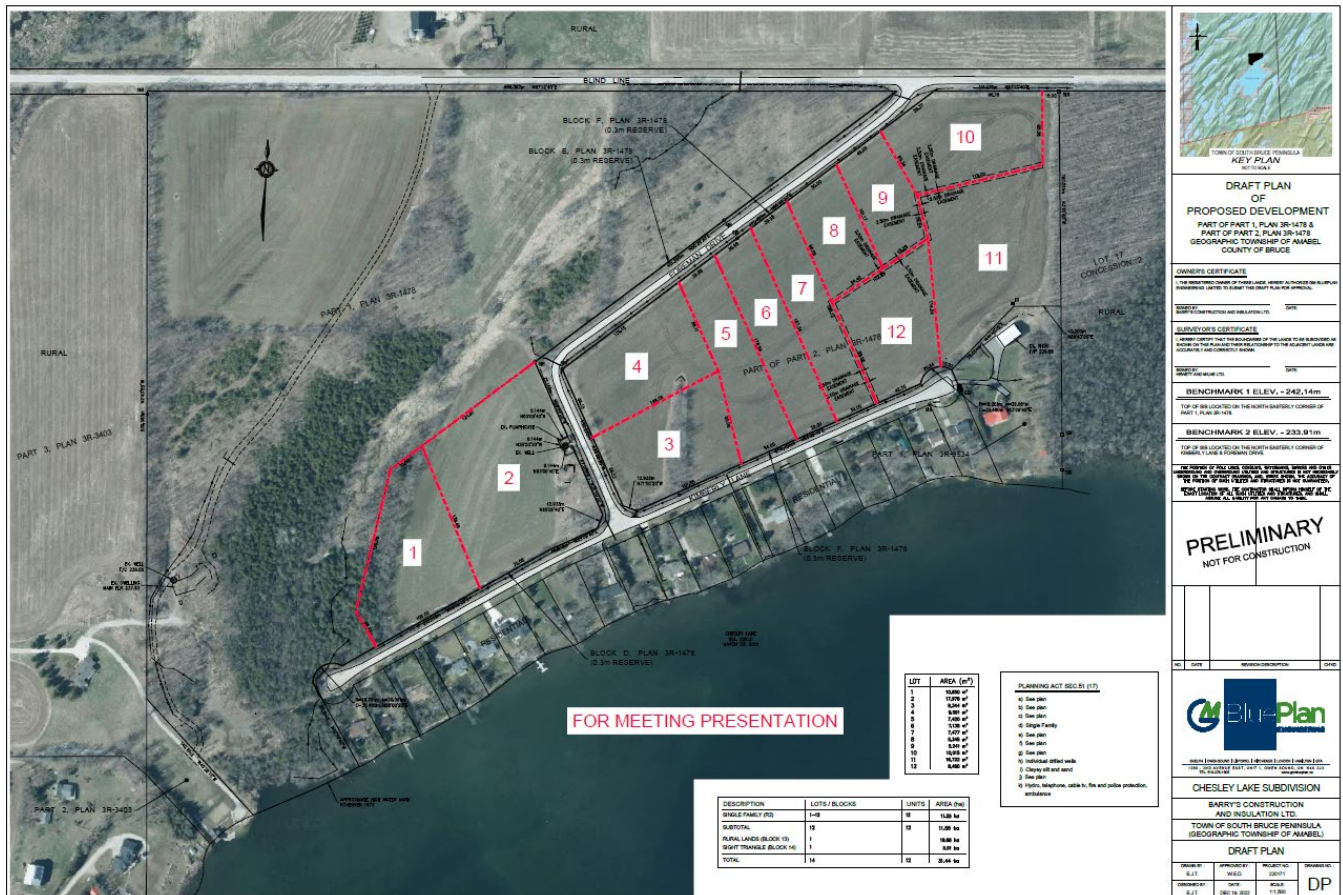
The proposed development is a 12-lot subdivision on partial municipal services (piped water) along an existing road at Chesley Lake in the Town of South Bruce Peninsula. The subject lands represent 2 parcels separated by Foreman Drive. To facilitate the development, an application to amend the South Bruce Peninsula Official Plan proposes to redesignate a portion of the property from Rural to Shoreline Development. An application to rezone the property from RU1 - Rural to R2 - Resort Residential also includes a request for relief to the frontage provision in the R2 zone to permit 15 metres frontage, relief to the MDS setback for Lots 2, 4, 5, 6, 7, 8, 10 and 11 is necessary; and relief to the minimum lot size for a lot within the RU1 zone from 40 ha to 19.8 ha.

A related application to amend the Bruce County Official Plan proposes to redesignate a portion of the 2 properties from Rural and Hazard to Inland Lake Development Area, Rural and Hazard.

A Public Meeting to consider Official Plan Amendment Application L-2022-018 and Zoning By-law Amendment Application Z-2022-142 was held September 19, 2023 with the decision deferred pending the clarification of Minimum Distance Separation (MDS) calculations for a livestock facility located at 392 Blind Line. At the Public Meeting the owner provided confirmation that the barn was a viable livestock facility, necessitating an MDS calculation to assess a development setback. This report provides a discussion of the MDS setback to the

livestock facility and should be considered along with the staff report presented at the September 19, 2023 Council Meeting.

## Site Plan



## Discussion:

At the September 19, 2023 Council Meeting, residents addressed Council to voice concerns with the proposed development. Larry and Nancy Skinner, the owners of 392 Blind Line stated that the barn on their property, while vacant at the time of this application, is a viable livestock facility and the manure storage enclosure contains imported manure that is spread on neighboring fields. Given that the barn has not been converted for storage only use, an MDS I calculation is required as part of this application.

Using information provided by the owners, staff calculated the MDS setback distance in accordance with MDS Guideline #20 which yielded a 388 m setback distance from the livestock occupied portion of the barn to the property line of the parcels being redesignated.

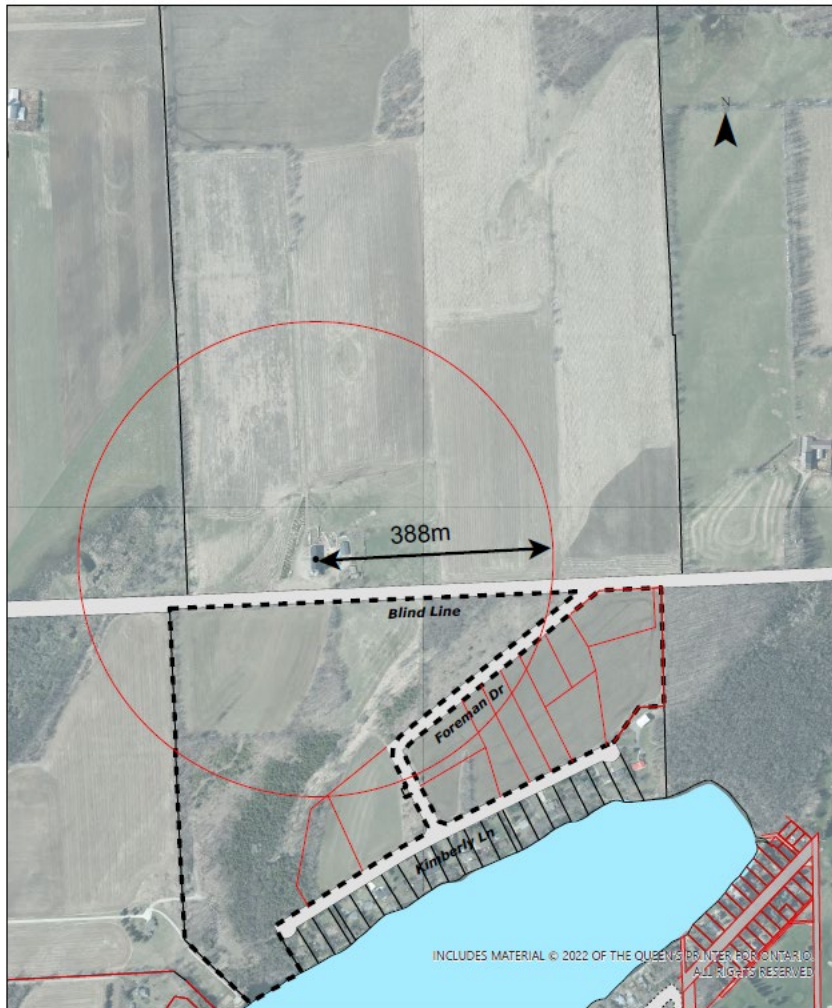
Staff also applied the default factor calculation that applies to unoccupied livestock barns which resulted in a 370 m setback distance based on a potential livestock area of 400 m<sup>2</sup>

inside the barn representing 60% of the total barn area. Assessment information for this property indicates milking centres dating to 1975 and 2017, however this has not been verified through a site visit. (Please note: the total area of the barn was measured from an air photo using GIS tools and the outside perimeter of the barn's roof).

A third calculation was completed to assess potential impact on the farm property. Using the livestock type, number and manure type and storage provided by the owner, an MDS II calculation was completed. MDS II calculations are required at the time of a new or expanding livestock facility. The resulting setback distance is 330 m to the area zoned or designated to permit residential uses (Guideline #40). Using the GIS measuring tool, the distance between the livestock occupied portion of the barn and the area proposed to be zoned and designated for residential use, is 330 m. Staff note that the GIS tool provides a gross measure of the distance and is used as a general assessment tool. Confirmation of the exact distance between the livestock barn and the new zone or designation boundaries would need to be provided by an Ontario Land Surveyor.

With a proposed plan of subdivision, MDS I calculations are required for all livestock facilities within 1500m. Staff investigated a total of eight livestock facilities and completed calculations for seven of them and applied MDS Guideline #12 to one. The proposed development does not fall within the setback distances to six of these livestock facilities. The calculations are attached and these properties are not discussed in this report.

Using the distance generated by applying MDS Guideline #20 and measuring to the area of the lot being zoned or designated for residential use, six of the proposed lots fall within the MDS setback arc from 392 Blind Line as indicated in the image below. Note: The measurement was taken from the livestock occupied portion of the barn.



As noted in the September 19, 2023 staff report, 2 of the proposed lots fall within the MDS setback arc to the livestock facility located at 316 Blind Line.

Within the proposed plan of subdivision, there are 8 of the 12 lots that fall within the MDS setback arcs for 316 Blind Line and 392 Blind Line. Section 8.2 of the MDS Guideline Document addresses considerations for reducing MDS setbacks. The guideline does caution that reducing the MDS setbacks can increase the potential for land use conflicts. It also considers the intent of municipal official plans and zoning by-laws where there are different goals for prime agricultural areas than rural lands and states that,

“For *rural lands*, municipal official plans and zoning bylaws may have a broader and more diverse set of goals and objectives, but should still reflect the general requirement to comply with the *Minimum Distance Separation Formulae* and it should promote and protect *agricultural uses* (various policies in section 1.1.5 of the PPS).

The lands in the vicinity of Chesley Lake are rural lands and the County and Town’s Official Plans consider a wider range of uses, including residential, for the Rural designation.

In assessing the request to reduce the MDS setback, the MDS Guideline Document suggests that a test similar to the 4 tests of a minor variance can be utilized to determine if the setback should be reduced. These criteria are also reflected in the County Official Plan that includes a further test to assess if any potential impacts can be appropriately mitigated.

1. Does the reduction in the MDS Setback keep with the intent of the official plan?

The County Official Plan identifies permitted uses in the Rural designation to include non-farm residential uses and Estate residential Subdivisions subject to a Plan amendment. The lands in this area are not identified as prime agricultural lands which have stricter policies to protect the lands from conflicting development. Section 5.6.8 of the County Official Plan permits the consideration of a reduction in the MDS requirements subject to meeting the tests discussed in this section of the report.

The Town of South Bruce Peninsula's Official Plan considers Estate Residential development located in attractive and interesting rural settings by amendment to the plan provided it is not in or adjacent to Class 1 to 3 agricultural lands and the proposed uses do not conflict with the Minimum Separation Distance for livestock operations. The proposed development would not impact the farms' ability to operate with the livestock numbers provided by the farmers, therefore, the reduction in the MDS setback does not conflict with the intent of the Official Plan as the agricultural uses would be permitted to continue.

2. Does the reduction in the MDS setback keep with the intent of the zoning bylaw?

The zoning by-law assumes that all lots are created equal and implements standard zone provisions for development. Both the current RU1 -Rural zone and the proposed R2 Resort Residential zone permit single detached dwellings and uses accessory thereto. In Section 6.22.1 the by-law addresses MDS I for New Non-Farm Uses, stating,

“Despite any other yard or setback provisions of this By-law to the contrary, no residential, institutional, commercial, industrial agriculturally related or recreational use, permitted within the appropriate Zones, shall be erected or altered unless it complies with the Provincial Minimum Distance Separation (MDS I), calculated in accordance with the MDS formula as published or amended by the Ontario Ministry of Agriculture Food and Rural Affairs from time-to-time. The above provisions shall not apply to lots existing as of the date of the passing of this By-law that are less than 4 ha in area. (By-law 67-2013, Z-07-2013.58)”

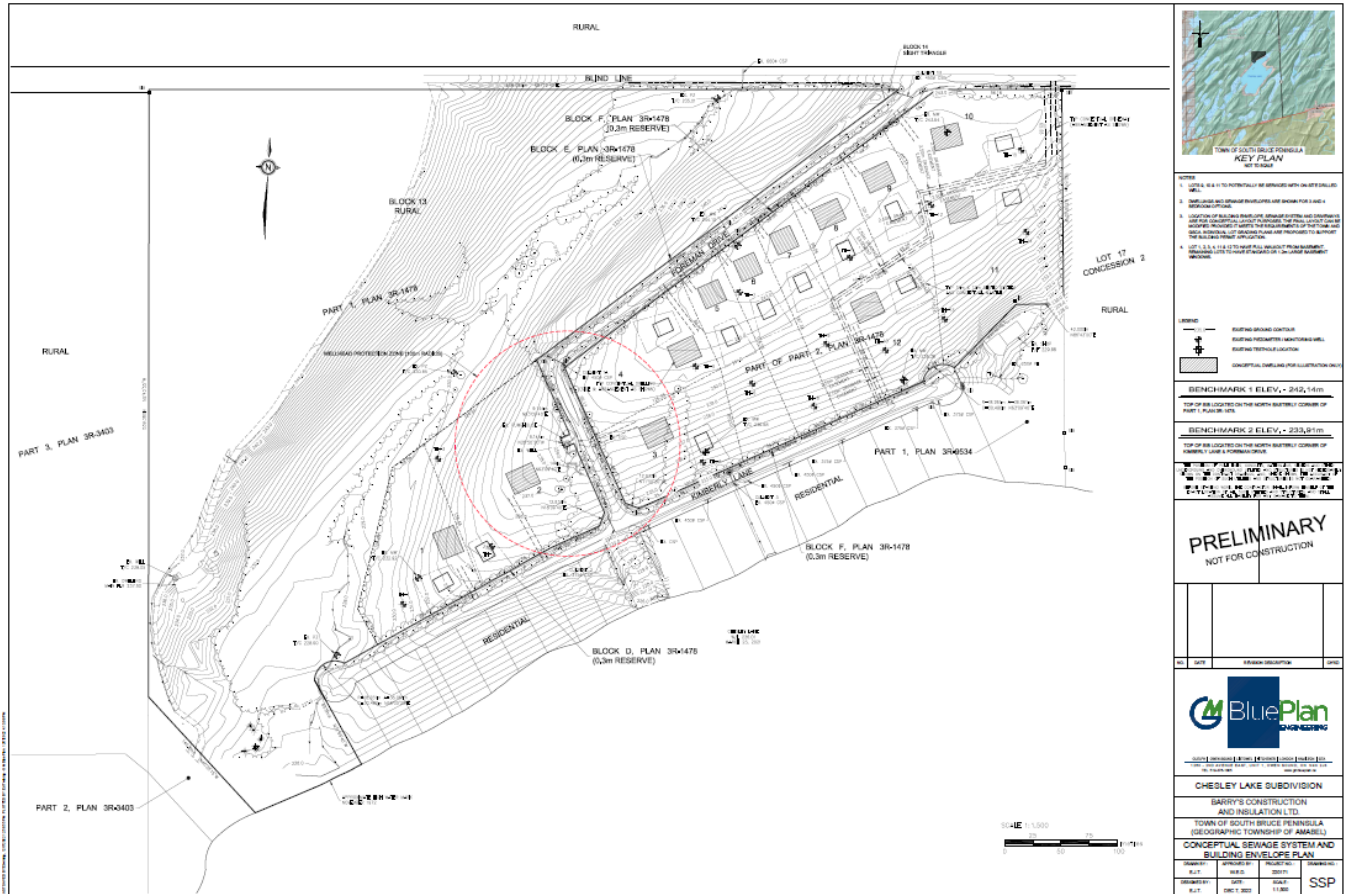
Section 34 of the Planning Act provides for a zoning by-law to be amended to permit uses and development that are not permitted as-of-right. Given that the reduction in the MDS setback to the livestock facility at 392 Blind Line results in an approximate 58 m deficiency, measured to the area being redesignated and rezoned, an amendment to the by-law would not offend the intent of the by-law. The actual development envelopes are further outside the setback arc and can be incorporated into the site-specific zoning amendment to ensure that the dwellings are located as far outside of the setback arc as possible given the slope related constraints on the property.

The setback for the 2 lots closest to 316 Blind Line remains at 442 m with relief requested at 410 m and 385 m, which staff note is the development envelope area and not the boundary of the lot being rezoned per the Guideline. The reduction in the setback is warranted given the drainage patterns on the east side of the property and the land sloping toward Kimberly Lane. The physical traits of the land determines a development envelope.

3. Is the reduction in the MDS setback desirable and appropriate for the area?

The area is populated by cottages and single-detached dwellings around Chesley Lake. The proposed subdivision is adjacent to existing residential development and will utilize the available municipal water system. The proposed lots will be accessed by a year-round maintained road and be serviced with garbage pick-up, utilities and school bussing.

The setback arc is measured to the area of the lot being rezoned and redesignated. Of the eight lots that fall within the setback, seven of the dwellings built will be located outside of the MDS setback arc. One dwelling will be built within the setback due to required setbacks from the Foreman Municipal well head. The reduction in the setback will still permit a balanced, well-spaced residential development as delineated in the Conceptual Sewage System and Building Envelope Plan below.



4. Is the reduction in the MDS setback minor in nature?

The intent of the MDS Guidelines is to prevent land use conflicts and minimize nuisance complaints related to the odor generated by livestock and manure storage on neighboring farms. MDS is not intended to address odor related to manure being spread on fields, dust, noise or smoke etc. related to agricultural operations.

The applicable MDS I setback for the proposed development is 388 m. An MDS II setback generated using the same information provided by the owner results in a 330 m setback to the subdivision from the farm. The reduction in the MDS setback can be considered minor given that the setback for livestock facility at the Skinner farm is 330m and does not extend into the redesignated and rezoned lands of the proposed subdivision; this means that the proposed subdivision does not appear to limit the viability of the barn to house livestock.

5. Can any potential environmental impacts be appropriately mitigated?

An Environmental Impact Assessment (EIS) was conducted to support and direct development outside of any environmentally sensitive areas. The site design was completed after the EIS was reviewed and locates septic systems outside of the well head protection area. A nitrate and servicing study were completed to support the development and general sewage and building envelopes were designed away from any environmental features or slope hazards. Redesigning the site to move the lots away from the 388 m setback arc is not possible as access to the lots cannot be achieved from Kimberly Lane, with the exception of one Lot.

#### Additional Comments

In addition to verbal comments provided by Larry and Nancy Skinner related to MDS requirements, area traffic was also identified as an existing safety concern. The proposed development was reviewed by Town and County Transportation staff and no traffic impact study was required for these applications. Requests for traffic calming measures such as a reduction in the posted speed limit can be made to the Town's Roads Department.

Questions related to prior refusal of development applications were raised and briefly discussed. County staff note that each application is evaluated on its own merit against the applicable policy in effect at the time of application and there may be multiple reasons an application is refused. Staff do not have access to the prior applications to follow up further on this.

Questions related to the health of Chesley Lake and the impact of the proposed development on the Lake were addressed by the Development Team.

Written comments were provided by David Jutzi after the report submission deadline and prior to the County Council meeting on September 21, 2023. Mr. Jutzi's comments are being attached for Council's review.

Written comments were also received from the Town of South Bruce Peninsula staff noting they support the connection of the lots to the municipal water system. (June 27, 2023).

A response letter to the MDS concerns was submitted by one of the Developer's Planning Consultants. That letter is attached for Council's consideration.

## Conclusion and Recommendation

As indicated in this report and the September 21, 2023 report, the County and Town policies generally support the proposed development. Staff recommend that in addition to the setback relief applied for from 316 Blind Line, being proposed for Lots 10 & 11, that the MDS setback from 392 Blind Line to the proposed area to be rezoned be reduced from 388 m to 330 m as provided for in Section 5.6.8.3 of the County Official Plan. The 330 m setback would be to the lot line and the 7.5 m front yard setback would still apply. A revised zoning by-law has been included for Council's consideration.

Respectfully submitted,

Jenn Burnett,

Senior Development Planner





## Planning Report

**To:** Council of the Town of South Bruce Peninsula

**From:** Jenn Burnett, Senior Development Planner

**Date:** September 19, 2023

**Re:** Applications - S-2022-030, L-2022-018 and Z-2022-142 for Barry's Construction and Insulation Ltd. c/o Stuart Doyle

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### Recommendation:

Official Plan Amendment Application L-2022-018 and Zoning By-law Amendment Application Z-2022-142 for lands described as Part Lots 18 & 19, Concession 2 (Amabel) in the Township of South Bruce Peninsula, are generally consistent with the Provincial Policy Statement 2020, the Bruce County Official Plan, the Town of South Bruce Peninsula Official Plan and the intent of the Town Zoning By-law.

Subject to a review of submissions arising from the public meeting, it is recommended that that Town of South Bruce Peninsula Official Plan Amendment Application L-2022-018 for lands described as Part Lots 18 & 19, Concession 2 (Amabel) in the Township of South Bruce Peninsula, be approved; and

That Zoning By-law Amendment Application Z-2022-142 be approved; and

That Council support the Conditions of Draft Approval for Plan of Subdivision file S-2022-030.

### Summary:

The proposed development is a 12-lot subdivision on partial municipal services (piped water) along an existing road at Chesley Lake in the Town of South Bruce Peninsula. To facilitate the development, an application to amend the Town's Official Plan proposes to redesignate a portion of the 2 properties from Rural and Hazard to Shoreline Development and to permit development on partial services. An application to rezone the property from RU1 - Rural to R2 - Resort Residential also includes a request for relief to the frontage provision in the R2 zone to permit 15 metres frontage, relief to the MDS setback for Lots 10 and 11 and relief to the minimum lot size for a lot within the RU1 zone from 40 ha to 19.8 ha. The subject lands represent 2 parcels separated by Foreman Drive.

A related application to amend the County of Bruce Official Plan proposes to redesignate a portion of the property from Rural and Hazard to Inland Lake Development Area and is scheduled for County Council's consideration on September 21, 2023.

## Airphoto

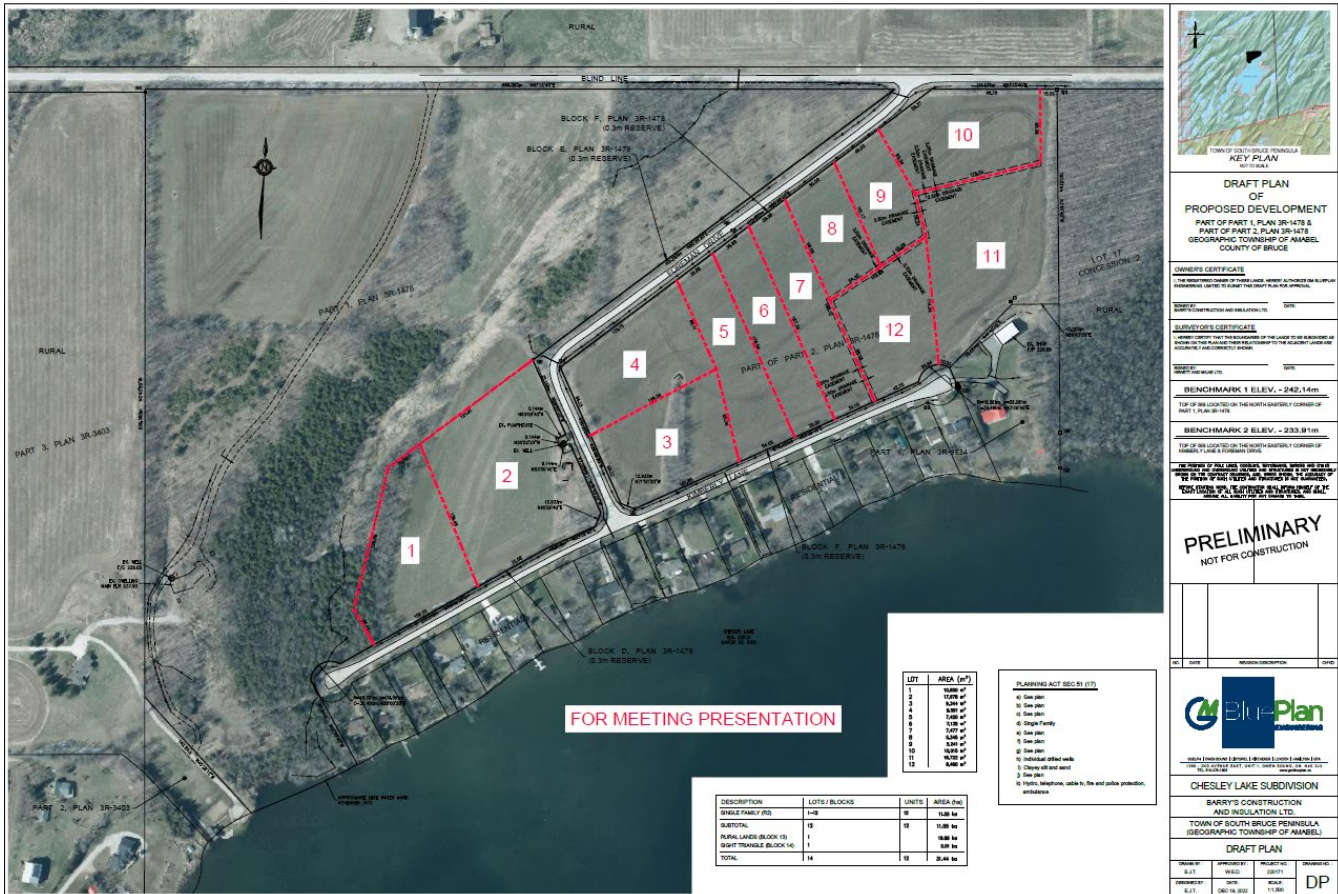


The applications propose:

- 12 residential lots on 11.55 hectares at Chesley Lake.
- One sight triangle located at the Blind Line / Foreman Drive intersection to be conveyed to the Town, as per the Municipality's request.
- The remainder of the property, which can accommodate one detached dwelling, will be retained by the owner.
- The proposed lots will be partially serviced with water from the Foreman Well.
- Access to the lots will be along Foreman Drive and Kimberly Lane.

The proposed layout of the subdivision can be seen in the Site Plan below and the Shoreline Development Area designation would be applied to the lands in the plan of subdivision.

# Site Plan



## Planning Analysis:

The following section provides an overview of the planning considerations that were factored into the staff recommendation for this application, including a review of the Provincial Policy Statement 2020, the Bruce County Official Plan, the Town of South Bruce Peninsula Official Plan and the Town of South Bruce Peninsula Zoning By-law.

The 2020 Provincial Policy Statement (PPS) issued under Section 3 of the Planning Act requires that land use planning decisions ‘be consistent with’ provincial policies.

Under Section 4.6 of the PPS, the Official Plan is identified as, “the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans. Official plans shall identify provincial interests and set out appropriate land use designations and policies.” (PPS 2020, pg. 35).

Schedule ‘A’ of the Bruce County Official Plan (BCOP) and the South Bruce Peninsula Official Plan (SBPOP) locates the subject properties within the Rural designation with a Hazard designation applied to the watercourse. The applications propose to extend the Inland Lake Development designation in the County Plan and the Shoreline Development designation that applies to the lots abutting the water, to include a portion of the subject properties so that

the 12 Lots can be created. Through this site-specific review, the Hazard designation has been refined and more accurately reflects the watercourse on the retained parcel.

In the Bruce County Official Plan, the Rural designation permits the development of an Estate Residential Subdivision subject to an amendment. The criteria to evaluate such proposals includes reviewing their potential effect on agricultural land and the servicing implications that it has for municipalities. The plan does direct residential development to urban centers however it recognizes that there is some need for residential development in rural areas.

The Town of South Bruce Peninsula Official Plan (SBPOP) also supports Estate Residential development in the rural area in line with the County Plan.

“A limited amount of additional growth will be permitted in rural and hamlet communities primarily through infilling, estate residential/rural business park development, existing vacant lot development and severance activity.” (Section 2.3.3)

Section 4.5.1 of the SBPOP identifies the purpose of estate residential development in the Rural designation as follows,

“While helping address the projected demand for new housing, the main purpose of estate residential development is to provide residents of the Town with an alternate (rural) lifestyle opportunity. Accordingly, new estate residential subdivisions shall be limited to settings offering significant rural attributes such as scenic views, proximity to valleylands or natural water-bodies, tree cover and/or undulating topography.”

Policy 1.1.3.1 of the PPS, 2020, notes that settlement areas shall be the focus of growth and development. While the subject lands are not within an area identified as a settlement area or urban area, they are adjacent to an established area with a municipal water system that has capacity for an additional 12 connections.

Policy 1.6.6.5 of the PPS, 2020, does not permit partial services for new development in rural areas and allows for partial servicing only to address failed private water and sewer services for existing development. Redesignating the lands to Shoreline Development area would create a continuous designation and permit the proposed lots to utilize an existing municipal water service rather than being privately serviced.

The BCOP general policies for the Inland Lake Development area permit residential infilling in areas already substantially developed or the rounding out of existing development. The policy does note that such development cannot be interpreted to include any development which would have the effect of significantly expanding the existing built-up area without an amendment to the plan. The SBPOP contains similar wording and requires a plan amendment to permit a subdivision development within the Shoreline Development Area designation.

To determine if a plan amendment should be supported, both the BCOP and SBPOP direct that several studies need to be completed to demonstrate that the land can accommodate the proposed development and that the impact of the proposed development on the carrying capacity of the lake can be addressed. The applicant has submitted the required studies to address the development capacity of the lands. The studies are generally supportive of the

development and provide mitigation measures to ensure that the development will have no negative impact as illustrated in the following sections.

### Agriculture

The lands fall within the Rural designation and are currently cropped. The lands are not identified as part of the Agricultural system, or as prime agricultural lands. Agricultural uses, including livestock facilities, do exist in the surrounding area. Minimum Distance Separation (MDS) Guidelines are used to avoid odour-related conflicts between livestock operations and new sensitive uses, and involve calculations related to the size and type of the livestock or manure storage facility, as well as the size of the land base on which it is located. MDS includes consideration for expansion of uses, and generally provides greater flexibility for the location of livestock facilities than for the establishment of new sensitive uses. When a cluster of more than 4 sensitive uses is proposed, MDS setback distance requirements are doubled.

There are 2 barns within 750 m of the proposed development, one has been converted to a storage building and is not considered a livestock facility. Within the proposed subdivision, two lots will not meet the required 442 m setback with setback distances measured at 410 m and 385 m, respectively. This represents a 57 m (187 feet) and 32 m (104 feet) discrepancy. MDS Guidelines do permit the setbacks to be reduced where there are environmental concerns and to avoid natural hazards. The property contains a fair amount of land that slopes toward Chesley Lake necessitating that the development areas be located closer to Foreman Drive. Additionally, lot configuration and development envelopes were determined through an Environmental Impact Study (EIS) to direct development away from wetland features abutting Chesley Lake.

To assess the potential impact of the reduction in the setback distance on the adjacent active farm, staff completed an MDS II calculation to investigate the expansion potential of the livestock facility in relation to the proposed residential lots. The calculation indicates that the livestock could be increased from 70 units to approximately 200 units and still meet MDS II setbacks at 385 m.

Based on consideration of a minor distance discrepancy, the avoidance of a natural hazard and mitigation measures to protect environmental features, staff is recommending that it is appropriate to provide this relief through the zoning amendment.

### Water Supply

This area is partially serviced with municipal water. A servicing plan was submitted in support of the application and originally indicated that 9 lots in the development will connect to the existing Foreman Well pending confirmation of servicing capacity. The proposed servicing plan was reviewed by the municipality's engineer who verified capacity, noting that all 12 lots can connect to the Foreman Well. Block 13 will remain in the Rural designation and any dwelling will be serviced by a septic system and private well.

## Wastewater Treatment

A Hydrogeological Report was submitted in support of the proposed development. The report contains a nitrate study and includes conceptual development envelopes for sewage systems and buildings for each of the 12 lots. The report concludes that development can occur on private septic systems which are not expected to cause impacts to the groundwater resources. The study was conducted in accordance with Ministry of Environment, Conservation and Parks (MECP) Procedures D-5-4 Technical Guideline for Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment (1996) and resulted in an “estimated nitrate groundwater concentration of 1.07 mg/L, below the allowable concentration of 10 mg/L.” (pg. 18).

The Hydrogeological report also addresses the impact of the proposed development on the carrying capacity of the lake. Lake capacity is an important consideration in the Official Plan and has been raised through some of the community comments.

The Hydrogeological report states:

“With respect to the proposed development, it is reasonable to expect that these sewage systems will not have an impact on Chesley Lake or the existing unnamed stream, given that they will be designed to current design standards (shown to be effective for the treatment of phosphorus) and that the surface water features are approximately located 100 m and 35 m respectively from the nearest proposed sewage system, well beyond the expected plume size.

In addition to the findings of the study, the proposed lots are relatively large, allowing for significant attenuation of sewage in the subsurface (refer to section 6 of this report). Given that the proposed development will meet the required setbacks supported by current research and will be constructed in accordance with the current Ontario Building Code (OBC) standards, in combination with the large rural residential lot sizes, the phosphorus loading and transport to Chesley Lake is not considered a concern from the proposed septic systems.”

In response to public comments regarding phosphorus levels in Chesley Lake relative to provincial standards, the engineer stated via email dated Sept. 8, 2023:

“The key fact supporting the development is that the phosphorous will be attenuated prior to reaching the Lake. As described more thoroughly in the report, the distance and hydrogeology will prevent additional phosphorous from reaching the Lake at any appreciable levels. Therefore, there is no “additive” affect to the Lake from the development. The phosphorous will be attenuated in the subsurface through natural processes, including mineral precipitation within the tile beds and soils directly downgradient. The proposed development is not relying on the lung or surface water body to attenuate the phosphorous.

Although not relevant to the development application (as per above) we note the following for information purposes. It is our opinion that they do not indicate increasing trends, but rather stable trends. The measurement of lake water

chemistry includes variability due to many natural processes, including biological and physical (such as biologic degradation and water column mixing) that causes variability in measurement. The shallow systems are typically subject to more variability than deep systems in Lakes. Further, laboratory measurement is also subject to minor variability. The results from 2012, 2019, and 2021 are considered to be “stable” as opposed to increasing. The changes between the data points are considered to be minor (<10%), particularly for the “Deep” sampling locations and the “Shallow” locations in 2019 and 2021. The data is considered to be within natural variability and in our opinion, reflective of stable conditions.

It is also important to note that the recent water quality results are considered to be positive. The MECP’s Provincial Water Quality Objectives (PWQO) provide guidelines and criteria for surface water quality. The PWQO states:

*“... the following phosphorus concentrations should be considered as general guidelines which should be supplemented by site-specific studies:*

- *To avoid nuisance concentrations of algae in lakes, average total phosphorus concentrations for the ice-free period should not exceed 20 µg/L;*
- *A high level of protection against aesthetic deterioration will be provided by a total phosphorus concentration for the ice-free period of 10 µg/L or less. This should apply to all lakes naturally below this value;”*

The most recent phosphorus concentrations are below the 20 ug/l limit and consistently nearing the 10 ug/L. It is reasonable to expect the concentrations will remain similar or continue to decline over time. Continued improvements to existing sewage systems around the Lake as it arises during re-development will also contribute to improved water quality with time. As an aside, the current use of the land is agricultural, which typically includes more significant nutrient generation than rural residential.”

## Stormwater Management

Section 1.6.6 of the PPS, 2020 addresses the management of stormwater. Specifically,

“1.6.6.7 Planning for stormwater management shall:

- a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;
- b) minimize, or, where possible, prevent increases in contaminant loads;
- c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure;
- d) mitigate risks to human health, safety, property and the environment;

- e) maximize the extent and function of vegetative and pervious surfaces; and
- f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development”

In support of the application, a Stormwater Management Report (SWM) was submitted and peer reviewed by the Town’s engineer. The plan proposes to use existing drainage outlets to accommodate the water off the proposed lots through culverts outletting to Chesley Lake. The proposal has been generally accepted by the Town and will be subject to more detailed design at the subdivision agreement stage.

### Natural Heritage

Section 2.1 of the PPS 2020 directs that Natural features and areas shall be protected for the long term. An Environmental Impact Assessment (EIS) was submitted to and extensively peer reviewed by North South Environmental on behalf of the County. They are generally accepting of the assessment and recommend the following:

1. That an EIS Addendum be identified as a condition of approval for the application. At a minimum, the addendum should:
  - a. Confirm that the identified constraints and limits are upheld / implemented on the Site Plan.
  - b. Assess impacts associated with the proposed development / site plan including, as applicable, but not limited to limit of grading, stormwater / hydrologic impacts, servicing, outlets and water quality, habitat, occupancy impacts, etc.
  - c. If the time elapsed is greater than 5 years from conditional approval, surveys to verify site conditions may be required.
  - d. A Species at Risk screening to verify that there are no new Species at Risk listed since the time of approval with potential to be impacted by the proposed development / site alteration.
2. Provide a dripline limit for the woodland and apply buffers from this revised limit. This may be submitted as a small technical brief/addendum appended to the final EIS.
3. Provide a tree inventory and retention plan for the units proposed for removal. This information may be used to inform compensation planting requirements.

With the submission of the above-noted information North South Environmental concludes that the EIS can be accepted as demonstrating consistency with Section 2.1 of the PPS, 2020. These recommendations have been included in the proposed Conditions of Draft Approval for the plan of subdivision.

### Natural Hazards

Section 3.0 of the PPS 2020, Protecting Public Health and Safety, directs that development shall be directed away from areas of natural or human-made hazards. Grey Sauble Conservation Authority (GSCA) comments identify Natural Hazards on the properties to include the flood and erosion potential of the Chesley Lake Wetland and a watercourse and



wetland feature that cross the western parcel. They note that the mapping indicates there is sufficient space outside of the hazard areas for development on Lots 1, 2 and 11. They have indicated that the proposed development is consistent with the Section 3.1 policies of the PPS. The GSCA comments are attached.

### Cultural Heritage and Archaeology

Section 1.2 of the PPS, 2020 directs that municipalities shall engage Indigenous communities through the planning process:

#### “1.2 Coordination

1.2.2 Planning authorities shall engage with Indigenous communities and coordinate on land use planning matters.”

Further In Part IV: Vision for Ontario’s Land Use Planning System, the PPS, 2020 provides;

“The Province’s rich cultural diversity is one of its distinctive and defining features. Indigenous communities have a unique relationship with the land and its resources, which continues to shape the history and economy of the Province today. Ontario recognizes the unique role Indigenous communities have in land use planning and development, and the contribution of Indigenous communities’ perspectives and traditional knowledge to land use planning decisions. The Province recognizes the importance of consulting with Aboriginal communities on planning matters that may affect their section 35 Aboriginal or treaty rights. Planning authorities are encouraged to build constructive, cooperative relationships through meaningful engagement with Indigenous communities to facilitate knowledge-sharing in land use planning processes and inform decision-making.” (PPS, 2020 Pg. 5)

The Notice of Application and Public Meeting was circulated to Saugeen Ojibway Nation (SON), the Historic Saugeen Metis (HSM) and the Metis Nation of Ontario.

The proponents entered into a letter of agreement with the Saugeen Ojibway Nation Environment Office (SON EO), through which SON EO reviewed the file and commented: “We have reviewed the documents provided and do not have any concerns at this time. If archaeological resources are detected on the site during development in future please contact us immediately.”

HSM also has no objections to the application.

### Town of South Bruce Peninsula Zoning By-law

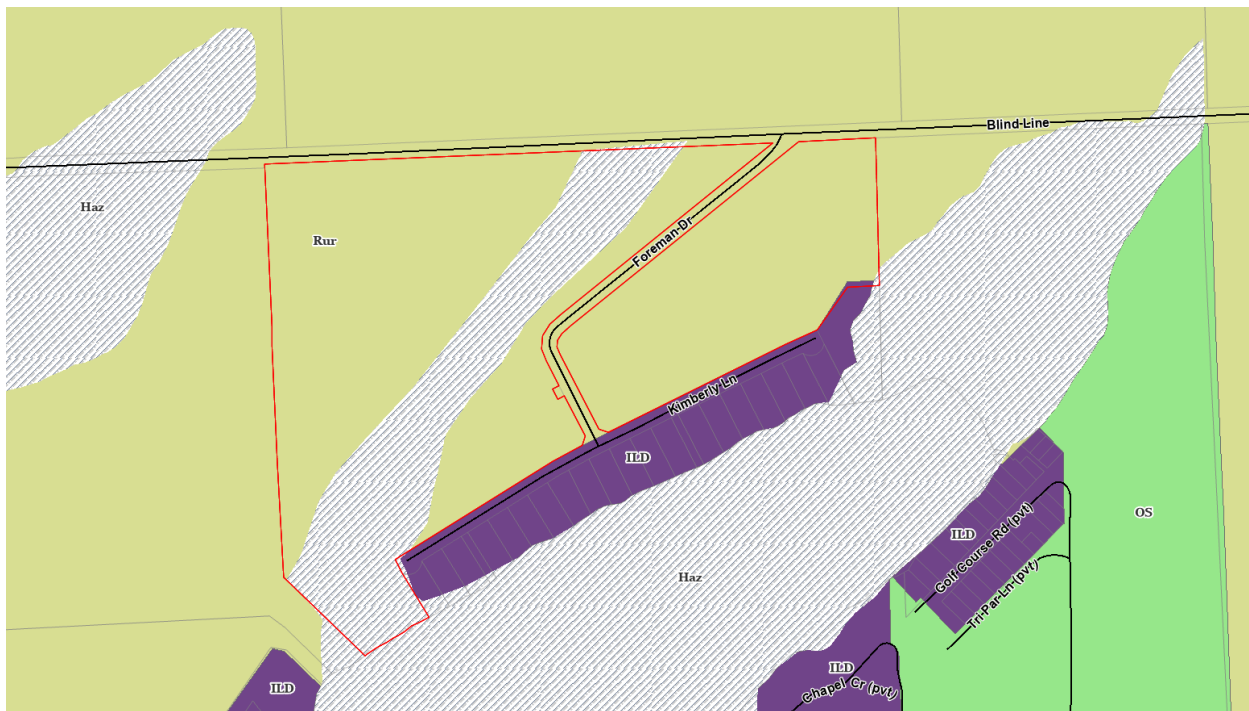
Town of South Bruce Peninsula Zoning By-law will need to be amended to rezone a portion of the property from RU1 - Rural to R2 - Resort Residential. The amending by-law will also recognize relief to the frontage provision in the R2 zone to permit 15 metres frontage, relief to the MDS setback for Lots 10 and 11; and relief to the minimum lot size for a lot within the RU1 zone from 40 ha to 19.8 ha. A draft by-law is attached for Council’s review.

### Appendices

- County Official Plan Map

- Local Official Plan Map
- Local Zoning Map
- List of Studies and Plans
- Agency Comments
- Public Comments
- Public Notice
- Draft Official Plan Amendment
- Draft Zoning By-law Amendment
- Conditions of Draft Approval
- Draft Proposed Plan of Development

### County Official Plan Map (Designated Rural Areas and Hazard Areas)





## List of Studies and Plans

Draft Plan of Proposed Development. Part of Part 1, Plan 3R-1478 & Part of Part 2, Plan 3r-1478 Geographic Township of Amabel, County of Bruce. GM BluePlan Engineering. Project No. 220171. Dec 19, 2022.

Planning Report. Chesley Lake Subdivision. Ron Davidson Land Use Planning Consultant Inc. December 19, 2022.

Report on the 2004 Stage 1-2 Archaeological Assessment of the Proposed Development of Five Building Lots, Part of Lots 18 & 19, Concession 2 in the Geographic Township of Amabel, County of Bruce. AMICK Consultants Limited. Archaeological Consulting License # PO38 Project# PO38-115, Corporate Project #24543. November 2004.

The Ontario Ministry of Culture Stage 3 Archaeological Resource Assessment Bdhh-7 Geographic Township of Amabel, Bruce County, Ontario. Scarlett Janusas Archaeological & Heritage Consulting & Education. June 2008.

Natural Heritage Environmental Impact Study Kimberly Lane: Residential Multi-Lot Development. Part Lots 18 & 19, Concession 2, Geographic Township of Amabel, Town of South Bruce Peninsula. Aws Environmental Consulting Inc. operating as Aquatic and Wildlife Services. February 2022.

Hydrogeological Study. Chesley Lake Subdivision Part of Lot 18 and 19, Concession 2, Geographic Township of Amabel, Town of South Bruce Peninsula. December 2022. GM BluePlan Engineering, File No. 220171. M. Nelson, P.Eng., P.Geo.

Stormwater Management Report. Chesley Lake Subdivision Part of Lot 18 and 19, Concession 2, Geographic Township of Amabel, Town of South Bruce Peninsula. December 2022. GM BluePlan Engineering, File No. 220171. I.E. Eriksen, P.Eng. December 8, 2022.

Conceptual Sewage System and Building Envelope Plan. Chesley Lake Subdivision. December 7, 2022. GM BluePlan Engineering, File No. 220171. Drawing No: SSP. Preliminary.

## Agency Comments

The applications were circulated to the required agencies. The following agency comments (attached) were received by the report submission deadline:

**Bell Canada:** in comments dated March 16, 2023, Bell Canada noted have no objections to the application. The Owner is to contact Bell Canada during detailed design to confirm the provisioning of communication/telecommunication infrastructure needed to service the development. It has been requested that the following paragraph be included as a condition of approval:

“The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.”

*Staff response: This has been included as a condition of draft approval.*

**Hydro One:** in comments dated March 17, 2023, Hydro One noted no concerns with the proposal.

**Historic Saugeen Metis (HSM):** in comments dated March 23, 2023 the HSM noted no objection or opposition to the applications as presented.

**Grey Sauble Conservation Authority (GSCA):** in comments dated April 14, 2023 the GSCA noted no objections to the proposed development.

**Risk Management Office -Source Water Protection (RMO):** in comments dated March 29, 2023 the RMO provided a copy of the Sec. 59 Screening Notice under the Clean Water Act noting that “portions of these properties are located within the Wellhead Protection Area A for the Foreman Drinking Water System, whereby new septic systems are prohibited from being located within the WHPA A area. Also, the storage of fuel greater than 2,500 litres is prohibited and quantities greater than 250 litres would require a Risk Management Plan. Furthermore the storage of certain chemicals (e.g. degreasers, wood strippers, etc.) greater than 25 litres are also prohibited.” The requirement to provide this notice to potential purchasers has been included in the Conditions of Draft Approval.

**Town of South Bruce Peninsula:** In comments dated June 27, 2023 Town staff noted that entrance permits are required, additional clarification regarding drainage is required, and confirmed that all proposed lots can be serviced from the municipal water system. Staff also noted that the shared swale through lots 7-12 inclusive must be constructed by the developer prior to the sale of the lots. This requirement has been included in the Conditions of Draft Approval.

**Saugeen Ojibway Nation (SON):** In comments dated July 4, 2023 SON noted, “[w]e have reviewed the documents provided and do not have any concerns at this time. If archaeological resources are detected on the site during development in future please contact us immediately.”

### **Resident Comments**

The applications were circulated to all properties within 120 m of the subject lands. Comments received as of writing this report are attached.

April 14, 2023

**GSCA File: P23106**

County of Bruce  
Planning and Economic Development Department  
268 Berford Street, Box 129  
Warton, ON  
N0H 2T0

Sent via email: [bcplwi@brucecounty.on.ca](mailto:bcplwi@brucecounty.on.ca)

**Re: Applications S-2022-030, C-2022-016, L-2022-018 & Z-2022-142**  
**Address: March 14, 2023**  
**Roll Nos: 410254000127150, 410254000127100**  
**Town of South Bruce Peninsula**  
**Applicant: Barry's Construction**

Grey Sauble Conservation Authority (GSCA) has reviewed the subject application in accordance with our mandate and policies for Natural Hazards and relative to our policies for the implementation of Ontario Regulation 151/06. We offer the following comments.

### **Subject Proposal**

The subject proposal is for the creation of a 12-lot subdivision on the above noted parcels. Amendments to the County and Local Official Plans and Zoning By-law are requested to facilitate the proposed subdivision.

### **GSCA Regulations**

Portions of the subject property are regulated under Ontario Regulation 151/06: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses. The regulated areas are associated with setbacks from Chesley Lake Wetland and a watercourse and wetland feature running across the western parcel. The regulated areas are generally indicated on the attached map.

Under this regulation a permit is required from this office prior to the construction, reconstruction, erection or placing of a building or structure of any kind; any change to a building or structure that would have the effect of altering the use or potential use of the building or structures, increasing the size of the building or structure, or increasing the number of dwelling units in the building or structure; site grading; or, the temporary or permanent placing, dumping or removal of any material originating on the site or elsewhere, if occurring within the regulated area. Also, a permit is required for interference with a wetland, and/or the straightening, changing, diverting or in any way interfering with an existing channel of a river, lake, creek stream or watercourse.

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#### Member Municipalities

Municipality of Arran-Elderslie, Town of the Blue Mountains, Township of Chatsworth, Township of Georgian Bluffs, Municipality of Grey Highlands, Municipality of Meaford, City of Owen Sound, Town of South Bruce Peninsula

## **Provincial Policy Statement 2020**

### **3.1 Natural Hazards**

Natural Hazards identified on the properties include the flood and erosion potential of Chesley Lake Wetland and a watercourse and wetland feature that cross the western parcel. Development should be directed away from these areas. These areas have been previously mapped by our office and are accurately reflected in the Town's Zoning By-law as EP ('Environmental Protection'). Portions of the mapped hazard will be included in lots 1, 2 and 11. The areas mapped hazard included on these lots would be relatively small compared to the total lot size allowing ample space for development outside of the hazard areas. As such, we are of the opinion that the proposed development is consistent with the section 3.1 policies of the PPS.

### **Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Plan**

The subject property is located within an area that is subject to the Source Protection Plan.

### **Recommendations & Conclusions**

The GSCA generally has no objections to the proposed development.

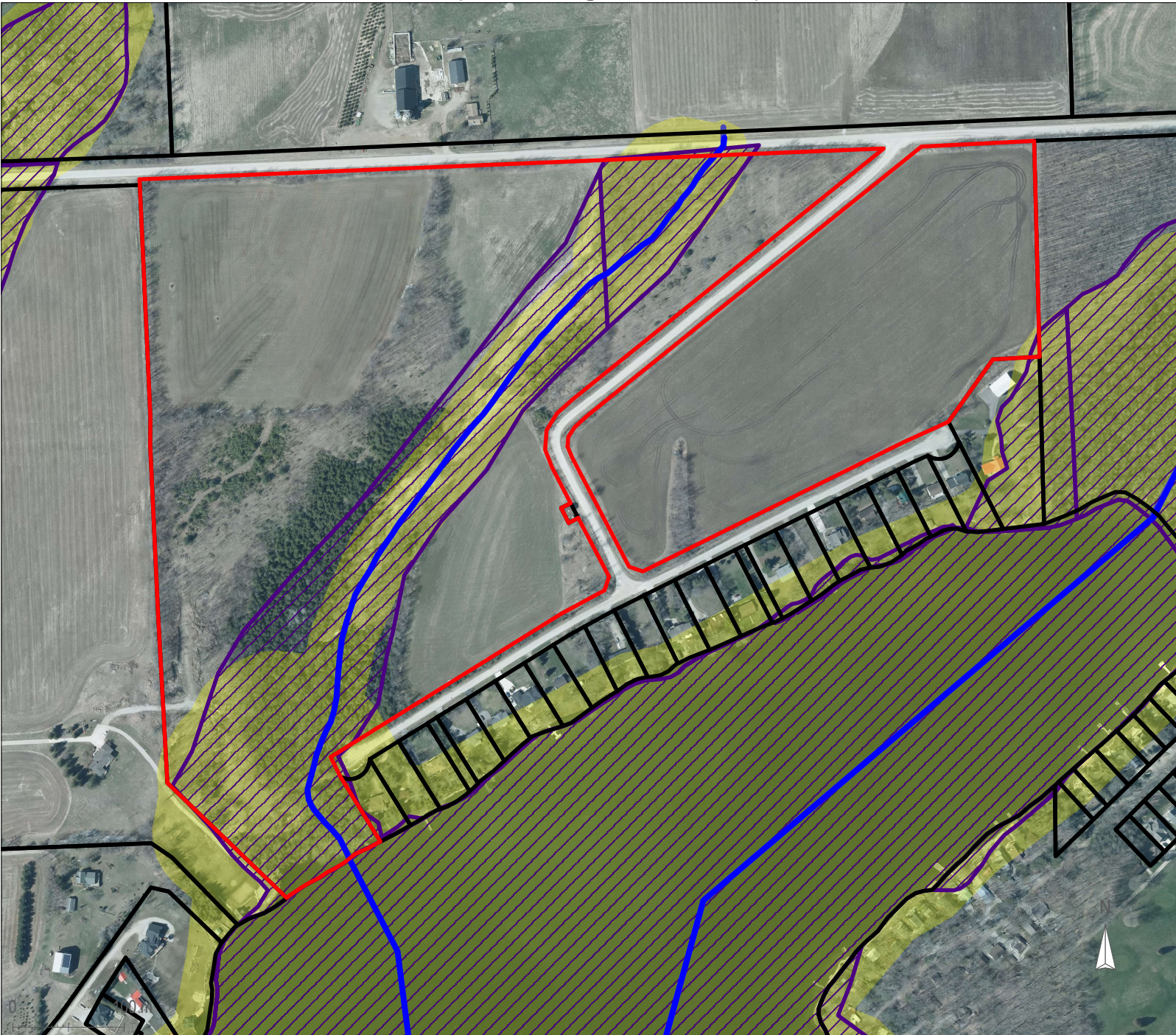
Regards,








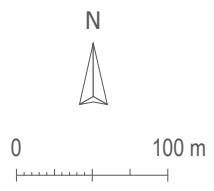
Jake Bousfield-Bastedo, Watershed Planner, RPP

c.c. Angie Cathrae, Director of Legislative Services/Clerk, Town of South Bruce Peninsula  
Jay Kirkland, GSCA Director, Town of South Bruce Peninsula

**Regulation of Development, Interference with Wetlands  
and Alterations to Shorelines and Watercourses  
(Ontario Regulation 151/06)**



-  Watercourses (Approx.)
-  Natural Hazard (Approx.)
-  O. Reg 151/06 (Approx.)
-  Subject Parcel (Approx.)
-  Other Parcels (Approx.)



Draft Plan of Subdivision S-2022-030  
Zoning By-law Amendment Z-2022-142  
County Official Plan Amendment C-2022-016  
Local Official Plan Amendment L-2022-018  
Roll No: 410254000127150, 410254000127100  
Town of South Bruce Peninsula  
GSCA File: P23106  
April 14, 2023

The included mapping has been compiled from various sources and is for information purposes only. By accepting this map you agree not to edit the map or disclaimer without the exclusive written permission of Grey Sauble Conservation. Produced by GSC with Data supplied under Licence by Members of the Ontario Geospatial Data Exchange. © King's Printer for Ontario and its licensors. [2021] May Not be Reproduced without Permission. THIS IS NOT A PLAN OF SURVEY. This mapping contains products of the South Western Ontario Orthophotography Project (SWOOP). They are the property of Grey Sauble Conservation Authority © 2021.

Projection: Universal Transverse Mercator - Zone 17 (N)  
Datum: North American 1983 (mean for Canada)



# Risk Management Office

237897 Inglis Falls Road

RR4 Owen Sound, ON N4K 5N6

Phone: 519-470-3000 Toll Free: 877-470-3001

rmo@greysauble.on.ca

## Notice of Restricted Land Use *Clean Water Act – ss. 59(2)(a)*

TO/ATTN: \_\_\_\_\_

Location Address: \_\_\_\_\_

Assessment Roll #: \_\_\_\_\_

Property Owner Name \_\_\_\_\_ and/or

Person engaged  
in Activity \_\_\_\_\_  
(where applicable)


Notice File No. \_\_\_\_\_

RMP File No. \_\_\_\_\_

From the information noted in the application to build 12 single family homes on these properties, it has been determined that **neither section 57 (Prohibited Activities) nor section 58 (Regulated Activities)** applies on the above-noted property, pursuant to the *Clean Water Act, 2006*.

Consequently, **no policies apply to the activities identified in the application**, under the approved Source Protection Plan for the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Region (effective July 1, 2016). However, it is important to note that portions of these properties are located within the Wellhead Protection Area A for the Foreman Drinking Water System, whereby new septic systems are prohibited from being located within the WHPA A area. Also, the storage of fuel greater than 2,500 litres is prohibited and quantities greater than 250 litres would require a Risk Management Plan. Furthermore the storage of certain chemicals (e.g. degreasers, wood strippers, etc.) greater than 25 litres are also prohibited.

**If any activities or operations on this property change, please contact this office.** If you have any questions, please contact this office (519-470-3000 or toll-free 1-877-470-3001) or via email at [c.seider@greysauble.on.ca](mailto:c.seider@greysauble.on.ca).

Signature of RMO: \_\_\_\_\_  \_\_\_\_\_ Date: \_\_\_\_\_

**From:** [Jack Van Dorp](#)  
**To:** [Stu Doyle \(stu@barrysconstruction.ca\)](mailto:stu@barrysconstruction.ca)  
**Subject:** FW: Request for Agency Comments S-2022-030, C-2022-016, L-2022-018 and Z-2022-142 Chesley Lake Subdivision  
**Date:** Friday, March 31, 2023 9:15:00 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)

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Hi Stu,

See below from Carl.

Aside from EIS comments previously forwarded I haven't received other comments as of yet that would indicate a change.

I gather Mr. Morton is away till the 4<sup>th</sup>, happy to connect shortly after that if there's points for discussion.

Jack.

---

**From:** Carl Seider <c.seider@greysauble.on.ca>  
**Sent:** Friday, March 31, 2023 8:57 AM  
**To:** Jack Van Dorp <JVandorp@brucecounty.on.ca>  
**Subject:** RE: Request for Agency Comments S-2022-030, C-2022-016, L-2022-018 and Z-2022-142 Chesley Lake Subdivision

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Hi Jack,

I think it would be appropriate to include these restrictions in a notice to purchasers of the lots. It is up to the 'persons engaged' in an activity to notify us of activities that may impact the drinking water source. We don't have any specific templates for this, but would work with owners to complete a Risk Management Plan if required.

Hope this helps.

Cheers,

**Carl Seider**  
Risk Management Official

519.376.3076 Ext. 201  
237897 Inglis Falls Road

Owen Sound, ON N4K 5N6  
[www.greysauble.on.ca](http://www.greysauble.on.ca)



*Please note that GSCA's Administrative Office has re-opened to the public. All visitors are asked to self-screen prior to entering and to wear a mask while in the building. Meetings with staff are by appointment only and should be scheduled at least 3 days in advance with the appropriate department. Many GSCA staff continue to work remotely and may not have access to office phones. Please utilize email as the most reliable way to reach our staff.*

---

**From:** Jack Van Dorp <[JVanDorp@brucecounty.on.ca](mailto:JVanDorp@brucecounty.on.ca)>

**Sent:** Wednesday, March 29, 2023 4:17 PM

**To:** Carl Seider <[c.seider@greysauble.on.ca](mailto:c.seider@greysauble.on.ca)>; Stu Doyle ([stu@barrysconstruction.ca](mailto:stu@barrysconstruction.ca))  
<[stu@barrysconstruction.ca](mailto:stu@barrysconstruction.ca)>

**Cc:** RMO Mailbox <[rmo@greysauble.on.ca](mailto:rmo@greysauble.on.ca)>; Bruce County Planning - Peninsula Hub  
<[bcplwi@brucecounty.on.ca](mailto:bcplwi@brucecounty.on.ca)>

**Subject:** FW: Request for Agency Comments S-2022-030, C-2022-016, L-2022-018 and Z-2022-142  
Chesley Lake Subdivision

Hi Carl,

Thank you for providing this notice.

I'm sending on to the developer as well.

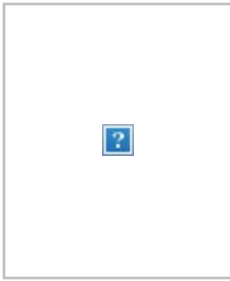
Would you recommend that the septic system, fuel storage, and chemical storage matters noted be addressed through a required notice to purchasers of these lots, outlined in the subdivision agreement, or does the RMO have another mechanism to communicate these requirements?

Best regards,

Jack.

**Jack Van Dorp**  
Manager of Land Use Planning  
Planning and Development  
Corporation of the County of Bruce

Office: 519-534-2092  
Direct: 1-226-909-2829  
[www.brucecounty.on.ca](http://www.brucecounty.on.ca)



---

**From:** Carl Seider <[c.seider@greysauble.on.ca](mailto:c.seider@greysauble.on.ca)>  
**Sent:** Wednesday, March 29, 2023 3:08 PM  
**To:** Bruce County Planning - Peninsula Hub <[bcplwi@brucecounty.on.ca](mailto:bcplwi@brucecounty.on.ca)>  
**Cc:** Jack Van Dorp <[JVanDorp@brucecounty.on.ca](mailto:JVanDorp@brucecounty.on.ca)>; RMO Mailbox <[rmo@greysauble.on.ca](mailto:rmo@greysauble.on.ca)>  
**Subject:** RE: Request for Agency Comments S-2022-030, C-2022-016, L-2022-018 and Z-2022-142 Chesley Lake Subdivision

**\*\* [CAUTION]: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Please find attached a copy of the Sec. 59 Screening Notice under the Clean Water Act regarding the application to build 12 homes on the two properties adjacent to the Foreman Well.

If you have any questions or concerns with the attached Notice, please let us know.

Regards,

**Carl Seider**  
Risk Management Official

519.376.3076 Ext. 201  
237897 Inglis Falls Road  
Owen Sound, ON N4K 5N6  
[www.greysauble.on.ca](http://www.greysauble.on.ca)



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**From:** Lori Mansfield <[LMansfield@brucecounty.on.ca](mailto:LMansfield@brucecounty.on.ca)>  
**Sent:** Tuesday, March 14, 2023 2:39 PM  
**To:** Bruce County Planning - Peninsula Hub <[bcplwi@brucecounty.on.ca](mailto:bcplwi@brucecounty.on.ca)>  
**Cc:** Jack Van Dorp <[JVanDorp@brucecounty.on.ca](mailto:JVanDorp@brucecounty.on.ca)>

**From:** [REDACTED]  
**To:** [Bruce County Planning - Peninsula Hub](#)  
**Subject:** Re: File Numbers S-2022-030, L2022-018 and Z2022-142  
**Date:** Sunday, August 20, 2023 4:45:42 PM

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Subject: Subdivision Draft Plan File No 5-2022-030  
Local Official Plan Amendment L-2022-018  
Zoning By-Law Amendment File No Z-2022-142

This is our concerns for the above matter:

1. To allow this development will further jeopardize the quality of Chesley Lake. It was in fact recommended in the past by the Conservation Authority no new development be allowed on Chesley Lake and particularly no new private septic systems. As the daughter of a former cottage owner and owner now myself I have witnessed first hand for over 56 years the deterioration of the lake water as even existing cottages were replaced by bigger cottages and permanent homes.

The quality of lake water was recognized as a concern way back in the early 90's and while the cottage association has purchased a lung and the quality has since slowly improved phosphorous levels in Aug 2022 are still above recommended levels.

To allow for further development with 12 private septic systems will increase erosion and drainage into the lake due to the slope of the land. We see first hand after a summer storm (which are getting worse) how water gushes from the drainage pipe and then down into the lake.

Further back lot development with 12 private septic systems has the potential to have further negative impacts on Chesley Lake and we ask it not be allowed.

2. We are concerned re the request to allow special provision for lot , 3, 4 ( with private septic systems) from the wellhead and lot 10 and 11 from a livestock facility. Please do not agree to this and potentially impact the quality of the drinking water used by the subdivision from the well. Remember the Walkerton water crisis, the E coli contamination and resulting deaths.

We do not support the above requested amendments. **We request to be notified of your decision.**

**Please confirm receipt of this email.**

Judy McDevitt  
Tom McDevitt

[REDACTED]

**From:** [REDACTED]  
**To:** [Bruce County Planning - Peninsula Hub](#)  
**Subject:** Re: File Number: C-2022-016  
**Date:** Monday, August 28, 2023 4:07:51 PM

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Subject Bruce County Official Plan Amendment C-2022-016

This is our concern for the above matter. To allow this development will further jeopardize the quality of Chesley Lake . It was in fact recommended in the past by the Conservation authority no new development be allowed on Chesley Lake and particularly no new private septic systems. As the daughter a a former cottage owner and an owner now myself I have witnessed first hand tor over 56 years the deterioration of the lake water as even existing cottages were replaced by bigger cottages and permanent homes. The quality of the lake water was recognized as concern way back in the early 90's and while the cottage association has purchased a lung and the quality has since slowly improved phosphorus levels in August 2022 are still above recommended levels .To allow for further development with 12 private septic systems will increase erosion and drainage int the lake due to the slope of the land. We see first hand after a summer storm (which are getting worse ) how water gushes from the drainage pipe and then down into the lake.

Further back lot development with 12 private septic systems has the potential to have further negative impacts on Chesley Lake and we ask it not be allowed.

We do not support the above requested amendments . **We request to be notified of your decision.**

**Please confirm receipt of this email.**

Judy McDevitt  
Tom McDevitt

[REDACTED]

Subject Bruce County Official Plan Amendment C-2022-016This is our concern for the above matter. To allow this development will further jeopardize the quality of Chesley Lake . It was in fact recommended in the past by the Conservation authority no new development be allowed on Chesley Lake and particularly no new private septic systems. As the daughter a a former cottage owner and an owner now myself I have witnessed first hand tor over 56 years the deterioration of the lake water as even existing cottages were replaced by bigger cottages and permanent homes. The quality of the lake water was recognized as concern way back in the early 90's and while the cottage association has purchased a lung and the quality has since slowly improved phosphorus levels in August 2022 are still above recommended levels .To allow for further development with 12 private septic systems will increase erosion and drainage int the lake due to the slope of the land. We see first hand after a summer storm (which are getting worse ) how water gushes from the drainage pipe and then down into the lake.Further back lot development with 12 private septic systems has the potential to have further negative impacts on Chesley Lake and we ask it not be allowed.We do not support the above requested amendments . We request to be notified of your decision.Please confirm receipt of this email.Judy McDevittTom McDevitt [REDACTED]

**From:** [REDACTED]  
**To:** [Bruce County Planning - Peninsula Hub](#)  
**Subject:** Subdivision Draft Plan File No. S-2022-030 (Foreman Drive)  
**Date:** Wednesday, August 23, 2023 11:47:36 AM

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Planner: Jenn Burnett

I am writing to confirm that I received a notice on the proposed Official Plan Amendment. I **disapprove** the official plan amendment for the following reasons:

1. It is too close to the Municipal Wellhead and may cause a water crisis like the Walkerton water crisis. We have many cottage owners on the lake that may be impacted by a water crisis. Unfortunately, improper practices by the homeowners on these lots for example chemical fertilizers or chemical spills can find its way into our water system. Not worth the risk to build next to a Municipal Wellhead and risk people's lives.
2. The lots may have potential grading and draining issues that will impact all cottages on Kimberly Lane.
3. The minimum distance separation of livestock will not be sufficed and will have a negative impact on local farms.
4. The division of the lots is very choppy and does not conform in the area – Kimberly Lane
5. A proposed subdivision should be focused on **building communities** with Schools, Parks, and increased density- **this subdivision is the complete opposite**
6. I do not see a traffic study on how it will impact the cottages on Kimberly Lane.
7. The people from these lots will want access to Chesley Lake and the space is very limited on Kimberly Lane and may cause congestion and disrupt the enjoyment of living on Kimberly Lane.
8. The people from these lots may want to own boats and the proposed subdivision will be a **Storage Facility** with the boats parked on driveways.

**Massimo Amalfa**

[REDACTED]  
[REDACTED]

[REDACTED]

[REDACTED]

**From:** [REDACTED]  
**To:** [Public Meeting Comments](#)  
**Subject:** Official Plan Amendment C-2022-016, L-2022-018, Zoning By-law Amendment Z-2022-142  
**Date:** Sunday, August 27, 2023 4:42:14 PM

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Attention: Jenn Burnett

As a cottage owner on Kimberley Lane I am opposed to the above application to allow a residential subdivision within the Chesley Lake watershed. The phosphorus levels in the lake are already higher than the provincial acceptable limit as seen from the chart below, and since 2012 have been rising. It would be a grave mistake to now add more loading.

Phosphorus readings (Provincial acceptable limit is < .010 mg / l)		
Year	Shallow	Deep
1988	.019 mg / l	.062 mg / l
2005	.013 mg / l	.020 mg / l
2012	.008 mg / l	.013 mg / l
2019	0.011 mg / l	0.012 mg / l
2021	0.012 mg / l	0.013 mg / l

Hundreds of thousands of dollars have been invested by the cottage owners to install a "lung" in an attempt to increase oxygen levels in the lake, Tens of thousands more have been spent on electricity to operate it. To now increase loading on the lake would be counter-productive.

Secondly, there is a municipal well that 20 residences rely on for safe drinking water. It has a "drinking water protection zone" within a 100 metre radius of the well. Septic systems should not be allowed within that area. As well, what is to prevent a private residence from ignoring the provincial restriction on applying pesticides to their lawn in that zone?

I am also curious how Lots 3 and 12 are going to have access considering the one foot reserve the township has along Kimberley Lane and Forman Drive?

For these reasons, the above zone change application, official plan amendment, and draft plan should be denied.

Respectfully submitted,

Doug Wagner  
[REDACTED]



## Official Plan Amendment C-2022-016, L-2022-018, Zoning By-law Amendment Z-2022-142

Once again council and the county are faced with a subdivision proposal for a section of land in the vicinity of Chesley Lake. The previous applicant's proposal (Richard Foreman) was not approved. Perhaps density was the issue. This time around, the density has been reduced but I fail to understand why a lower density proposal should receive any more consideration. Housing wasn't acceptable then and shouldn't be now.

My Concerns are:

- 12 new septic systems adjacent to Chesley Lake; more effluent available which will find a way directly to the Lake via the run-off areas on Kimberly Lane and via a creek which borders lots 1&2
- The land for Lots 1&2 abuts the green belt/wetland area. I believe Grey Sauble Conservation has denied previous requests to build on this land because of the impact to said wetland and Chesley Lake. The aforementioned creek flows directly into the lake.
- With regard to lots 2, 3 and 4, they are extremely close to the Foreman Municipal well which could have an impact on the drinking water supply for the residents. The area around the well is designated as a "safe drinking water protection zone". Do you want to risk another situation similar to what happened in Oliphant?
- In regards to the municipal well, I wonder how much more maintenance and service will be necessary to support 12 more properties. Note, it wasn't long ago council was considering shutting a shutdown because it was getting to expensive to operate.

In closing, there are too many variables which no-one can predict 100% which will cause problems to the current residents and Chesley Lake.

The proposal for a zoning change and subsequent subdivision should be denied.

Sincerely,

Marshall & Beverley Leggat, 32 Kimberly Lane

Dear County of Bruce Planning & Development,

We are Stephen and Joyce Meulenstein, owners of the property at 40 Kimberly Lane, Allenford on Chesley Lake.

We write to you in objection to the proposed amendment to the County Official Plan, Local Official Plan, and Zoning By-Law amendment - your file number C-2022-016.

Our concern is that we purchased this property in 2021 to act as our vacation 'getaway' cottage. The area was and is well regarded as being a nice, quiet, water-front property.

Given that, the proposal of subdividing some of this land for the development of new single detached homes is not something we can support.

The addition of twelve (12) new single detached dwellings does not improve the social development of the community, does not seek to preserve good agricultural land, and does not enhance the quality of the natural environment. In fact, it may do the opposite as increased foot traffic and noise will substantially reduce the enjoyment of the property as it currently sits and possibly even reduce the value and marketability of our property.

Coming at a time when a great deal of valuable Ontario real estate that would not normally be slated for development is being sold to developers to the detriment of Canadians we will be greatly disappointed if the County of Bruce follows this trend and puts the interests of private developers above those of its citizens.

In light of all of the above I strongly encourage the County to not endorse the proposed changes to the Official Plans and By-Laws and to uphold the integrity of the area that existed at the time of our decision to purchase.

We hope you take our concerns into consideration and we are happy to field any questions or concerns that you may have.

Thank you.

Stephen & Joyce Meulenstein

To Whom It May Concern,

In regards to the Official Plan Amendment C-2202-016, L-2022-018, Zoning By-law Amendment Z-2022-142

We are year round residents of South Bruce Peninsula at Chesley Lake. These proposed amendments are not minor variances. Clean, safe water is too important of an issue to be considered minor.

We are absolutely against allowing developers to build houses near the Forman Drinking water system. Those bylaws and distance allowances were put in place for a reason- to provide a "safe drinking water protection zone!" Recently there has been some controversy around some comments made by our ex-mayor and your response to that from our deputy mayor was "The town supports federal efforts to fund capital projects that ensure all First Nations people across Canada have access to safe drinking water." How can you say that in one instance then turn around and approve building 3 houses in our neighbourhood within the buffer zone of what is considered a safe distance. You are putting all of us that use that water system at risk. Who is going to ensure these new families do not use pesticides? I am not against progress and environmental issues aside, I'm am not totally against the development of this area but not at the expense my health. All the lots will have an environmental impact on Chesley Lake and Grey Sauble Conservation has denied this type of development in the past, but developing the lots that are too close to the water station affects more then just the environment. We already pay more for our water than the average Canadian. Our monthly bill is in excess of \$150 per month. I recognize and appreciate South Bruce Peninsula's efforts in decreasing our bill over the next five years, but regardless of that I don't mind paying for the extra piece of mind that having access to clean water from that station means. We have been informed that more people hooking up to this system will not make our water any more affordable; all this will do is potentially contribute to contamination from the development of lots in an area too close to the station.

It has been said over and over these past few weeks that clean water is everyone's basic right... well what about those hooked up to the Forman Water Station. Do we not deserve safe drinking water? Show the citizens of South Bruce Peninsula that you are truly concerned about our access to clean and safe drinking water and at the very least, deny lots 2, 3 and 4 from being developed!

Sincerely,

Garth and Lori Hopkin  
60 Kimberly Lane

**From:** [REDACTED]  
**To:** [Bruce County Planning - Peninsula Hub](#)  
**Cc:** [REDACTED]  
**Subject:** Comments on Subdivision Draft Plan File # S-2022-030  
**Date:** Friday, September 8, 2023 3:05:56 PM

---

You don't often get email from [REDACTED]. [Learn why this is important](#)

**\*\* [CAUTION]: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

To the county office: please acknowledge receipt of this email. Thank you!

Dear members of Bruce County Council and Township of South Bruce,

We respectfully submit the following comments.

### **Who we are**

Our family (the Skinners) farms immediately north of the proposed Chesley Lake subdivision on concession 2 (Blind Line), Amabel.

### **Our concerns**

Should this development occur, we will be negatively affected in our normal farm practices.

More houses and residents will be in closer proximity to the sounds, smells and sights of farming such as machinery movement and livestock production.

Future generations of farmers will be more restricted and may become unable to produce the food we all require for life.

Our concerns fall into two main areas: a) the location of the proposed subdivision is not in keeping with the Provincial Policy Statement on land use development nor does it adhere to Bruce County's own housing policies and b) the application of Minimum Distance Separation I (MDS I) does not appear to have been applied correctly in this instance. Included below is some further detail on these two areas.

### **Proposed subdivision not in keeping with provincial or county plans**

In Section 1.1.3, Settlement Areas, of the Provincial Policy Statement, one reads, "It is in the best interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces, ensure effective use of infrastructure and public service facilities and minimize unnecessary public expenditures."

1.1.3.6 goes on to say, "new development taking place in designated growth areas should occur adjacent to the existing built up area..." In other words, new development should logically occur where there is an existing city, town, village or hamlet in order to access existing services.

This application seeks an amendment to the County Official Plan to extend the boundary of the Shoreline Development designation in order to permit the subdivision.

However, in the Bruce County Plan, section 5.4, Inland Lake Designation, one reads, "new development will generally take the form of residential infilling in areas already substantially developed or the rounding out of existing development." (5.5.5-General Policies of Bruce County Plan). In our opinion, this application is not "infilling" or "rounding out existing development." It is proposing a distinct new subdivision. Furthermore, in the introduction to

Inland Lake Development (5.4.1) it is explicitly stated to take a cautionary approach to development since many inland lakes are already at or above their natural carrying capacity and are extremely environmentally sensitive. Why would the municipality want to place a further burden on Chesley Lake?

**Minimum Distance Separation not being met**

Both the Provincial Planning Statement and the Bruce County Official Plan reference minimum distance separation (MDS). The MDS formulae and guidelines are land use planning tools that determine setback distances between livestock barns, manure storages and anaerobic digesters and surrounding land uses, with the objective of minimizing land use conflicts and nuisance complaints related to odour. MDS I establishes setbacks between proposed new development and existing barns or manure storages. As a neighbouring landowner, when I do the calculation for our own barns and manure storage, it is clear the proposed subdivision does not meet the minimum requirement. When a development outside of a settlement area has four or more proposed lots in immediate proximity, all of the lots are required to meet MDS, not just the ones within the distance arc. In addition the sensitivity factor is increased to allow for the higher density of human occupancy with four or more lots. In the case of our farm, 1273 feet is required as a minimum. The proposed subdivision falls short of that requirement. In our view it is not sound planning for now or the future to make an exception to these tried and true guidelines.

In summary, we would like to thank the councils for the opportunity to make comment in this public process. While it is difficult to balance all of the competing needs for the municipality, we would encourage you to think long-term and rely on the guidelines and processes already in place to ensure wise land use planning.

Respectfully, Larry and Nancy Skinner

Sent from my iPad

**From:** [Lori Mansfield](#)  
**To:** [Jennifer Burnett](#); [Jack Van Dorp](#)  
**Cc:** [Klarika Hamer](#)  
**Subject:** FW: Bruce County Official Plan Amendment C-2022-016  
**Date:** Thursday, September 21, 2023 9:39:28 AM  
**Attachments:** [image002.png](#)  
[image003.png](#)  
[image004.png](#)

---

Email that has just been received in relation to C16 Chesley Lake Subdivision.

Thank you, Lori

---

**From:** David Jutzi [REDACTED] >  
**Sent:** Thursday, September 21, 2023 9:24 AM  
**To:** Bruce County Planning - Peninsula Hub <bcplwi@brucecounty.on.ca>  
**Subject:** Bruce County Official Plan Amendment C-2022-016

You don't often get email from [REDACTED]. [Learn why this is important](#)

**\*\* [CAUTION]: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

To whom it may concern,

I am writing this letter regarding the Bruce County Official Plan Amendment C-2022-016 and how it might affect our property at 72 Kimberley Lane, Town of South Bruce.

In particular, my concerns lie with the future use of the municipal right-of-way adjacent to our property. I am told that this right-of-way is public property, no concern there. However, I am concerned as to what the public will be permitted to do on this property. One of the uses, apparently, is as a public walkway to the water.

My concerns are:

- 1) What will the public be allowed to do in their way to the water?
  - a. Campfires?
  - b. Gatherings?
- 2) What will the public be allowed to do once they get to the water?
  - a. Swim?
  - b. Anchor their boat off shore?
  - c. Erect/install a dock?
- 3) Has the Town of South Bruce been asked by the developer to provide lake access to the buyers of their lots?
- 4) Who will maintain this area? I will note that the property has been kept neat and tidy for years by the adjacent neighbours. I will also report that when asked about dead tree removal, the Town of South Bruce had not budgeted for this area. Henceforth, the trees were removed at the expense of both adjacent property owners. There was a possibility of one of the trees falling on our house. There are others that have succumbed to the ash boar beetle that will need to be removed in the next year. Will the township assume responsibility for this and reimburse us for the expenses already incurred?

I believe it is fair to request what the Town of South Bruce has planned for this right-of-way.

I would like to be made aware of the decision of the approval authority on the proposed application.

Sincerely,

David E. Jutzi  
Vice President



Jutzi Water Technologies  
525 Wright Boulevard  
Stratford, ON, N4Z 1H3  
O: 519-814-9283  
e: [davidjutzi@jutzi.com](mailto:davidjutzi@jutzi.com)

[www.jutzi.com](http://www.jutzi.com)



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**Lori Mansfield**  
Applications Technician  
Planning and Development  
Corporation of the County of Bruce

Office: 519-534-2092  
Direct: 1-226-909-5987  
[www.brucecounty.on.ca](http://www.brucecounty.on.ca)



## **Orange Shirt Day / National Day for Truth and Reconciliation | September 30**



Join us in reflecting, showing support, and joining the global conversation on this day that honours the thousands of First Nations, Metis, and Inuit children across Canada who were forced to attend residential schools. Artwork by Taylor Cameron, Saugeen First Nation. To learn more visit [Orangeshirt Society - Creating Awareness \(orangeshirtday.org\)](http://Orangeshirtday.org)

Individuals who submit letters and other information to Council and its Committees should be aware that any personal information contained within their communications may become part of the public record and may be made available through the agenda process which includes publication on the County's website.

If you have received this communication in error, please notify the sender immediately and delete all copies (electronic or otherwise). Thank you for your cooperation.

If you feel that this email was commercial in nature and you do not wish to receive further electronic messages from the County of Bruce, please click on the following link to unsubscribe: [Unsubscribe](#). Please be advised that this may restrict our ability to send messages to you in the future.





County of Bruce  
Planning & Development Department  
268 Berford Street, PO Box 129  
Warton, ON N0H 2T0  
brucecounty.on.ca  
226-909-5515



August 2, 2023

File Numbers: S-2022-030, L-2022-018 & Z-2022-142

## Public Meeting Notice

**You're invited to a Public Meeting to consider  
Subdivision Draft Plan File No. S-2022-030,  
Local Official Plan Amendment L-2022-018 and  
Zoning By-Law Amendment File No. Z-2022-142  
September 19, 2023 at 9:00 am**

A change is proposed in your neighbourhood: A proposed Draft Plan of Subdivision would create a total of twelve lots for development with single-detached dwellings. A County Official Plan Amendment seeks to extend the boundary of the Inland Lake designation and permit lot sizes under 1 ha for non-waterfront lots in the designation. A Local Official Plan Amendment seeks to extend the boundary of the Shoreline Development designation and permit the subdivision. A Zoning By-Law Amendment seeks to change the zoning of the property from RU1 General Rural to R2 Resort Residential with special provisions related to frontage (Lot 11); Minimum Distance Separation from a livestock facility (Lot 10 and Lot 11); lot area of the retained lands (Block 13) and setbacks near the Municipal Wellhead (Lots 2, 3, and 4). The related County Official Plan Amendment file is C-2022-016.



389 Blind Line and No Civic Address, Town of South Bruce Peninsula  
CON 2 PT LOTS 18 & 19 RP3R;1478 PART 1 (Amabel), Roll No. 410254000127150  
CON 2 PT LOTS 18 & 19 RP 3R1478 PT PART 2 (Amabel), Roll No. 410254000127100

## Learn more

You can view limited information about the application at <https://brucecounty.on.ca/living/land-use>. Additional information, including the supporting materials, can be provided upon request by e-mailing [bcplwi@brucecounty.on.ca](mailto:bcplwi@brucecounty.on.ca) or calling 226-909-5515. Information can also be viewed in person at the County of Bruce Planning Office noted above, between 8:30 a.m. and 4:30 p.m. (Monday to Friday).

The Planner on the file is: Jenn Burnett

## Have your say

Comments and opinions submitted on these matters, including the originator's name and address, become part of the public record, may be viewed by the general public and may be published in a Planning Report and Council Agenda. Comments received after **September 8, 2023** may not be included in the Planning Report but will be considered if received prior to a decision being made, and included in the official record on file.

**Before the meeting:** You can submit comments by email to [bcplwi@brucecounty.on.ca](mailto:bcplwi@brucecounty.on.ca), mail, or phone (226-909-5515) if you have any questions, concerns or objections about the application. Comments will be provided to Council for its consideration.

**On the day of and during the Public Meeting:** You may attend the Public Meeting in person at the Town Hall and speak directly to Council.

## How to access the Public Meeting

The public meeting will be held in person, in the municipal Council Chambers located at 315 George Street, Wiarton, ON, N0H 2T0. Seating may be limited – you may be required to wait outside until called upon to speak. As an alternative, you may submit written comments to the Bruce County Planning Department which will be considered at the meeting.

Please contact the Town at [suzy.richardson@southbrucepeninsula.com](mailto:suzy.richardson@southbrucepeninsula.com) or 519-534-1400 ext 147 if you have any questions regarding how to participate in the meeting.

## Stay in the loop

If you'd like to be notified of the decision of the approval authority on the proposed application(s), you must make a written request to the Bruce County Planning Department.

## Know your rights

Section 17(36) of the [Planning Act](#) outlines rights of appeal for Official Plan Amendment applications.

If a person or public body would otherwise have an ability to appeal the decision of the County of Bruce to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the Town of South Bruce Peninsula before the proposed official plan (or official plan amendment) is adopted, the person or public body is not entitled to appeal the decision.

If a person or public body does not make oral submissions at a public meeting or make written submissions to the Town of South Bruce Peninsula before the proposed official plan (or official plan amendment) is adopted, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to add the person or public body as a party.

Section 34(11) of the [Planning Act](#) outlines rights of appeal for Zoning By-law Amendment applications.

If a person or public body would otherwise have an ability to appeal the decision of the Council of the Town of South Bruce Peninsula to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the Town of South Bruce Peninsula before the by-law is passed, the person or public body is not entitled to appeal the decision.

If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Town of South Bruce Peninsula before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

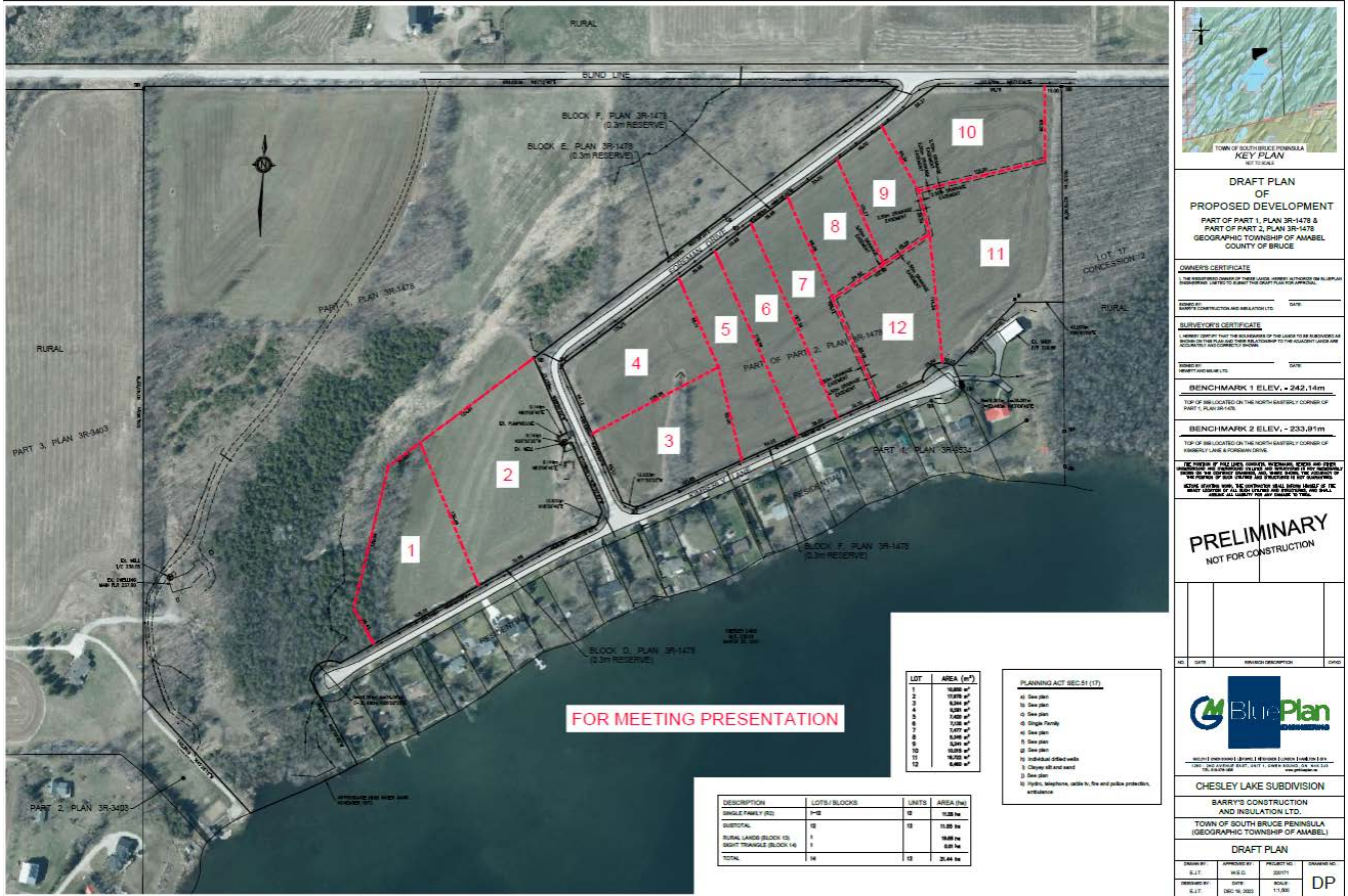
Section 51(39) of the of the [Planning Act](#) outlines rights of appeal for Plan of Subdivision applications. Only the applicant, a public body, various utility company (or their representative), the Minister and the Municipality can appeal the approval or refusal of draft plan of subdivision, lapsing provisions or any condition of draft plan approval.

If a person or public body does not make oral submissions at a public meeting, if one is held, or make written submissions to the County of Bruce in respect of the proposed plan of subdivision before the County of Bruce gives or refuses to give approval to the draft plan of subdivision, the person or public body is not entitled to appeal the decision of County of Bruce to the Ontario Land Tribunal.

If a person or public body does not make oral submissions at a public meeting, if one is held, or make written submissions to County of Bruce in respect of the proposed plan of subdivision before the County of Bruce gives or refuses to give approval to the draft plan of subdivision, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

For more information please visit the Ontario Land Tribunal website at <https://olt.gov.on.ca/appeals-process/>.

# Site plan



**The Corporation of the Town of South Bruce Peninsula**

**By-Law Number XXX-2023**

Being a By-Law to adopt Amendment No. L-2022-018 to the Town of South Bruce Peninsula Official Plan for lands described as Pt Lts 18 &19, Con 2 (Amabel) in the Township of South Bruce Peninsula

**Whereas** The Corporation of the Town of South Bruce Peninsula is empowered to amend its Official Plan as required;

**Whereas** the Planning Act, RSO 1990 Section 17 provides provisions for the passing of official plan documents;

**And whereas** the Planning Act, RSO 1990 Section 22 provides provisions for making amendments to official plans.

**And whereas** in accordance with the Planning Act, application has been received to change the South Bruce Peninsula Official Plan provisions for Pt Lts 18 &19, Con 2 (Amabel) in the Township of South Bruce Peninsula.

**Now therefore the Council of the Corporation of the Town of South Bruce Peninsula enacts as follows:**

1. **That** Amendment No. L-2022-018 to the Town of South Bruce Peninsula Local Official Plan, a copy of which is attached to and forms part of this by-law, is hereby adopted.
2. **That** the Clerk is hereby directed to forward the adopted Amendment together with the necessary supporting documentation to the County of Bruce for final approval.
3. This by-law shall come into force and take effect pursuant to the provisions and regulations of the Planning Act, R.S.O. 1990, c.P.13.

**Read a first and second time this \_\_\_<sup>th</sup> day of \_\_\_\_\_, 2023.**

\_\_\_\_\_ **Mayor**

\_\_\_\_\_ **Clerk**

**Read a third time and finally passed this \_\_\_<sup>th</sup> day of \_\_\_\_\_, 2023.**

\_\_\_\_\_ **Mayor**

\_\_\_\_\_ **Clerk**

## Part B – The Amendment Number L-2022-018

### Introductory Statement

All of this part of the document entitled "Part B – The Amendment" and consisting of the following text, and attached map designated as Schedule "A", constitutes Amendment No. L-2022-018 to the Town of South Bruce Peninsula Local Official Plan.

### Details of the Amendment

The Town of South Bruce Peninsula Local Official Plan is proposed to be amended as follows:

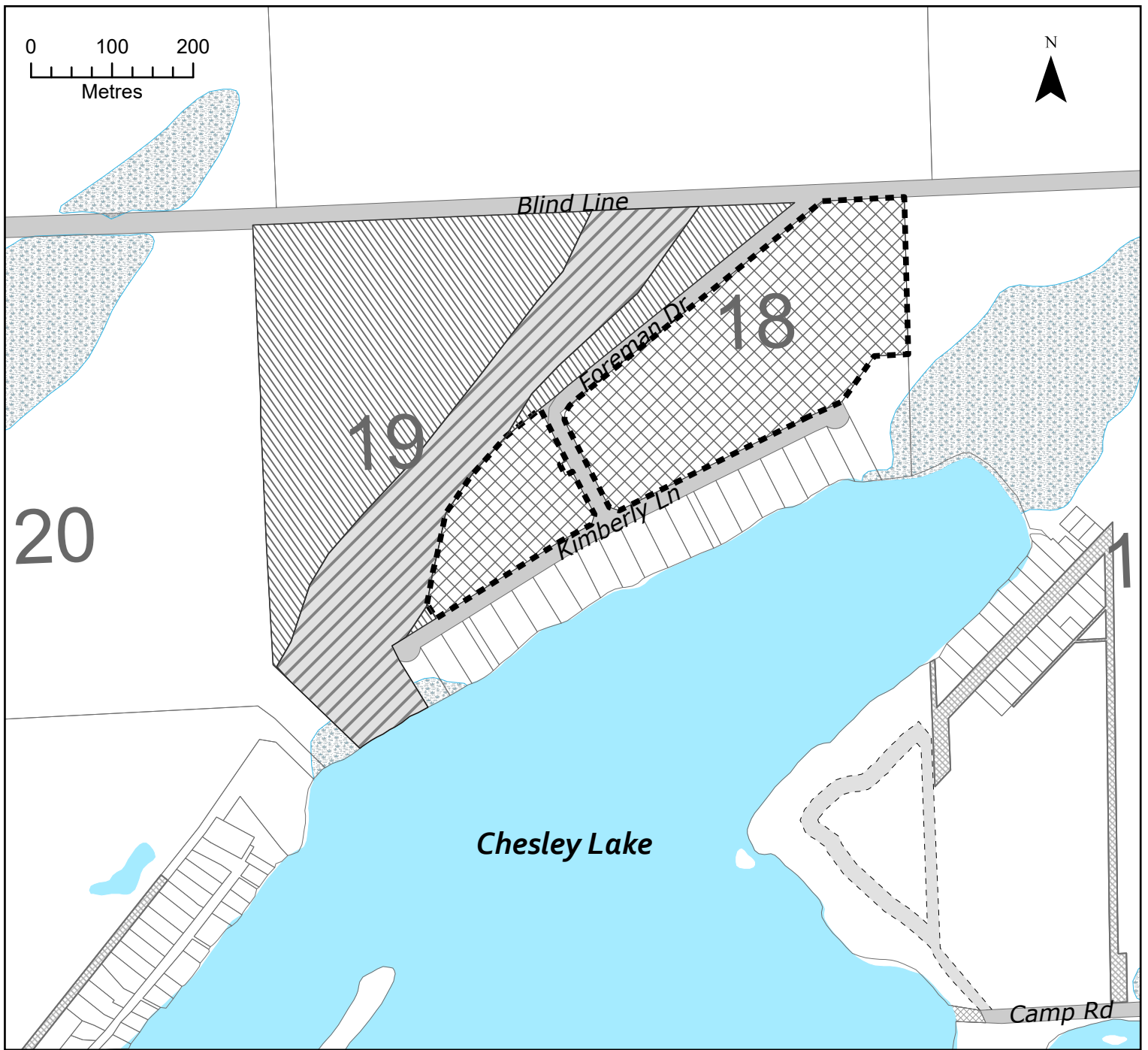
1. "Schedule A: Land Use Plan" to the Town of South Bruce Peninsula Official Plan is hereby amended by changing the land use designation on lands described as Pt Lts 18 &19, Con 2 (Amabel) in the Township of South Bruce Peninsula from 'Rural' to 'Shoreline Development Area' as outlined in the attached Schedule "A".
2. Section 4.7 of the Town of South Bruce Peninsula Official Plan is hereby amended by adding the following:

#### 4.7.6.4:

OPA L-2022-018 (Barry's Construction and Insulation LTD.), By-Law xx-2023, Pt Lts 18 &19, Con 2 (Amabel) in the Township of South Bruce Peninsula

Notwithstanding the policies of Section 4.7 'Shoreline Development Area', the lands identified as Site-Specific Policy Area 4.7.6.4 are subject to the following:

- 1) a 12 Lot Plan of Subdivision is permitted on partial services;



**Schedule 'A'**

to  
**Amendment NO. L-2022-018**

**South Bruce Peninsula Official Plan**

**389 Blind Line - CON 2 PT LOTS 18 & 19  
 RP3R;1478 PART 1 - Roll No. 410254000127150  
 and  
 CON 2 PT LOTS 18 & 19  
 RP 3R1478 PT PART 2 -Roll No. 410254000127100  
 Town of South Bruce Peninsula  
 (geographic Township of Amabel)  
 County of Bruce**



Lands to be designated Shoreline Development



Lands designated Rural



Lands designated Environmental Hazard

File: L-2022-018

Applicant: Barry's Construction and Insulation Ltd.  
 c/o Ron Davidson Land Use Planning Consultant Inc

Date: August 2023

# The Corporation of the Town of South Bruce Peninsula

## By-Law Number XX-2023

### Being a By-Law to Amend By-Law Number 122-2009, as Amended, Being the Comprehensive Zoning By-Law for the Town of South Bruce Peninsula for Pt Lts 18 &19, Con 2 (Amabel) in the Town of South Bruce Peninsula

**Whereas** the Planning Act, RSO 1990 Section 34 provides for the passing of Zoning By-Laws;

**And whereas** in accordance with the Planning Act, application has been received to change the zoning provisions for the subject lands.

**Now therefore the Corporation of the Town of South Bruce Peninsula enacts as follows:**

1. **That** Schedule 'A' to the Town of South Bruce Peninsula Comprehensive Zoning By-Law Number 122-2009 as amended, is hereby further amended by changing the zoning of the subject lands from "RU1 - Rural" and "EH- Environmental Hazard" to "RU1-xx-2023 – Rural Special", "R2"- Resort Residential, "R2-xx-2023 – Resort Residential Special" and "EH- Environmental Hazard" as shown on the Schedule 'A' attached hereto and forming a part of this by-law.
2. **That** By-Law 122-2009, as amended, being the Zoning By-Law for the Town of South Bruce Peninsula, is further amended by adding the following to Section 8.7.6 Site Specific Amendments – General Rural Zone:

#### **RU1-xx-2023 – Site Specific Amendments - General Rural Zone**

- For lands described as Pt Lts 18 &19, Con 2 (Amabel), the minimum lot area is 19.8 hectares. All other provisions of By-law 122-2009 apply.
3. **That** By-Law 122-2009, as amended, being the Zoning By-Law for the Town of South Bruce Peninsula, is further amended by adding the following to Section 12.5 Special Provisions – R2 Resort Residential Zone:

#### **R2-xx-2023 – R2 Resort Residential Zone Special**

- Lands described as Pt Lts 18 &19, Con 2 (Amabel), and zoned 'R2-xx-2023' on Schedule A to this Zoning By-law shall be used in accordance with the 'R2' zone provisions excepting however that:
  - i. the Minimum Distance Separation requirement measured from the livestock barn and manure storage facility on 392 Blind Line to the



property line for Lots 2, 4, 5, 6, 7 & 8 shall be 330 metres. All other provisions of By-law 122-2009 apply.

- Lands described as Pt Lts 18 &19, Con 2 (Amabel), and zoned 'R2a-xx-2023' on Schedule A to this Zoning By-law shall be used in accordance with the 'R2' zone provisions excepting however that:
  - i. the Minimum Distance Separation requirement measured from the livestock barn and manure storage facility on 316 Blind Line to the detached dwelling on the subject lands shall be 385 metres. All other provisions of By-law 122-2009 apply.
  
- Lands described as Pt Lts 18 &19, Con 2 (Amabel), and zoned R2b-xx-2023 on Schedule A to this Zoning By-law shall be used in accordance with the 'R2' zone provisions excepting however that:
  - i. the minimum lot frontage shall be 15 metres; and,
  - ii. the Minimum Distance requirement measured from the livestock barn and manure storage facility on 316 Blind Line to the detached dwelling on the subject lands shall be 410 metres. All other provisions of of By-law 122-2009 apply.

4. **That** this by-law shall come into force and effect on the final passing thereof by the Council of the Town of South Bruce Peninsula, subject to compliance with the provisions of the Planning Act, R.S.O. 1990, as amended and subject to South Bruce Peninsula Official Plan Amendment L-2022-018 coming into force and effect.

**Read a first and second time this XX day of Month, 2023.**

\_\_\_\_\_ Mayor

\_\_\_\_\_ Clerk

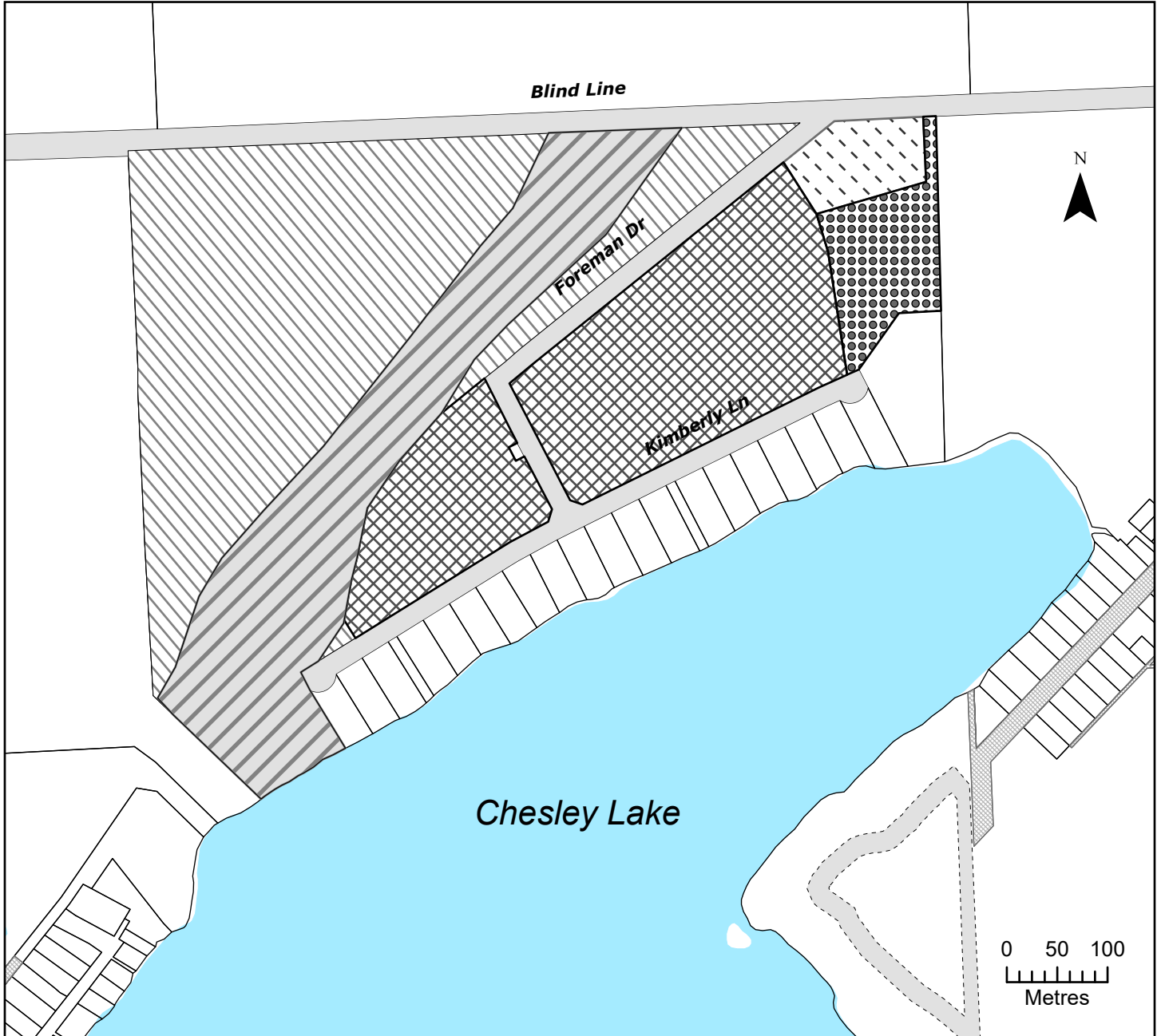
**Read a third time and finally passed this XX day of Month, 2023.**

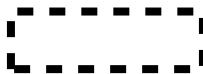


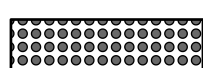


\_\_\_\_\_ Mayor

\_\_\_\_\_ Clerk

# Schedule 'A'

389 Blind Line - CON 2 PT LOTS 18 & 19 RP3R;1478 PART 1 - Roll No. 410254000127150 and  
 CON 2 PT LOTS 18 & 19 RP 3R1478 PT PART 2 -Roll No. 410254000127100  
 Town of South Bruce Peninsula (geographic Township of Amabel)



-  Subject Property
-  Lands to be zoned R2- \_\_\_\_-2023 Resort Residential Special
-  Lands to be zoned R2a- \_\_\_\_-2023 - Resort Residential Special
-  Lands to be zoned R2b- \_\_\_\_-2023 - Resort Residential Special
-  Lands to be zoned RU1- \_\_\_\_-2023 - General Rural Special
-  Lands zoned EH - Environmental Hazard

This is Schedule 'A' to the zoning by-law amendment number \_\_\_\_\_ passed this \_\_\_\_\_ day of \_\_\_\_\_

Mayor \_\_\_\_\_

Clerk \_\_\_\_\_



County of Bruce  
Planning & Development Department  
268 Berford Street,  
Warton, ON  
brucecounty.on.ca  
226-909-5515

# Conditions Of Draft Approval Plan Of Subdivision

The Council of the Corporation of the County of Bruce hereby issues Draft Approval to Following Application:

**File Number** S-2023-030  
**For** Barry's Construction and Insulation Ltd.  
**In Respect Of** Pt Lts 18 &19, Con 2 (Amabel) in the Town of South Bruce Peninsula  
**Date of Draft Approval** **Date**

The following conditions have been established by the County of Bruce and must be met prior to the granting of Final Approval:

## Identification

1. That this approval applies to Plan of Subdivision File S-2022-030 for Barry's Construction and Insulation Ltd. on lands legally known as Con 2 Part Lots 18 & 19, RP 3R1478, Part 1, (Amabel) Town of South Bruce Peninsula, prepared by Hewitt and Milne LTD. on September 7, 2023.

## Lot Layout and Density

2. That this approval is in accordance with the 'Draft Plan of Proposed Development' on the Plan prepared by Hewitt and Milne LTD. on September 7, 2023.

## Roads, Grading and Reserves

3. That all roadways, streets, lighting, internal and external services, and any upgrades to existing services be designed by a qualified professional and constructed by the Owner to the standards of the Town of South Bruce Peninsula and other agencies/ministries as required.
4. That all street and public lighting fixtures shall be dark-sky compliant to the satisfaction of the Town of South Bruce Peninsula.
5. That the owner enter into a cost sharing agreement with the Town of South Bruce Peninsula with respect to any road improvements, if deemed necessary.

## Parkland

6. That, if required by the Town of South Bruce Peninsula, the Owner conveys land in the amount of 5% of the land included in the plan to the Town of South Bruce Peninsula for park purposes pursuant to the provisions of Section 51.1(1) of the Planning Act R.S.O. 1990 c.P.13. Alternatively, the Town of South Bruce Peninsula may accept cash-in-lieu of the said conveyance and, under the provisions of Section 51.1(3) of the Planning Act R.S.O. 1990 c.P.13 the Town of South Bruce Peninsula is hereby authorized to do so.

## **Easements**

7. That the Owner agrees to grant such easements as may be required for utility, drainage, snow storage and/or turn-around purposes to the Town of South Bruce Peninsula or other appropriate authority.

## **Subdivision Agreement**

8. That the Owner and its successors enter into an Agreement with the Town of South Bruce Peninsula to satisfy all the requirements, financial or otherwise of the Town of South Bruce Peninsula, which may include, but shall not be limited to, the provision of parkland (or cash-in-lieu of land), roads, installation of services and facilities, lot grading, erosion and sediment control, drainage and the timing and payment of a development charge.
9. That the Subdivision Agreement against the land to which it applies shall include a clause requiring the Owner to carry out or cause to be carried out the works recommended in the roads plan, servicing plan, lot grading plan, erosion and sediment control plan, drainage plan, environmental impact study, stormwater management plan and other plans, as may be required, to the satisfaction of the Town of South Bruce Peninsula.
10. That the Subdivision Agreement against the land to which it applies shall include a clause prohibiting the Owner from registering a restrictive covenant under Section 119 of the Land Titles Act, or any other Act, that would prohibit, restrict or regulate any use(s) of the land otherwise permitted via the applicable Zoning By-law and that a Draft copy of the Subdivision Agreement be forwarded to the County of Bruce prior to registration of the Agreement.
11. That the Subdivision Agreement contain a clause requiring that the shared swale through Lots 7 to 12 inclusive must be constructed by the Developer prior to the sale of the Lots.
12. That the Town of South Bruce Peninsula undertake to register the Subdivision Agreement against the land to which it applies, and a copy of the Agreement be forwarded to the County of Bruce prior to Final Approval of the Plan.
13. That the Subdivision Agreement between the Owner and its successors and the Town of South Bruce Peninsula include the requirement for the following Notice/Warning Clauses to be included in offers of purchase and sale for all Draft Approved Lots on the Draft Plan as follows:
  - a. "Stormwater Management Facilities
    - i. Purchasers are advised that facilities for the management of stormwater runoff on the lot are subject to an approved Stormwater Management Plan. No owner of any lot shall alter, interfere with, or remove any of the Stormwater Management Facilities located within the lot except in accordance with the approved Stormwater Management Plan. Changes or alterations to the approved Stormwater Management Plan shall require

the prior approval of the Town of South Bruce Peninsula and acceptance by the Grey Sauble Conservation Authority."

b. "Lot Grading

- i. Purchasers are advised that the grading of the lot is subject to an approved Lot Grading Plan. No owner of any lot shall alter the grade or place or remove any fill material within any yard except in accordance with the approved Lot Grading Plan. Changes or alterations to the approved Lot Grading Plan shall require the prior approval of the Town of South Bruce Peninsula and acceptance by the Grey Sauble Conservation Authority."

c. "Wellhead Protection

- i. Purchasers of Lots 2, 3 and 4 are advised that the properties are within 100 meters of the wellhead and subject to provisions of the Clean Water Act including ensuring that;
  1. New Septic Systems are prohibited within 100 metres of the wellhead.
  2. No liquid fuel storage in fixed tanks (supply or heating) greater than 2500 L is permitted within 100 meters of the wellhead and storage of greater than 250L requires a Risk Management Plan.
  3. Furthermore the storage of certain chemicals (e.g. degreasers, wood strippers, etc.) greater than 25 litres are also prohibited."
  4. The excavation or drilling of water wells is not permitted within the 100 m setback to the wellhead."

## Utilities

14. That the Owner provide an overall utility distribution plan to the satisfaction of the Town of South Bruce Peninsula including the necessary easements and/or agreements required for the provision of utilities.
15. That the Owner agree to make satisfactory arrangements with the appropriate electricity service provider for the provision of permanent or temporary electricity services to this Plan.
16. That the Owner agree to make satisfactory arrangements with the appropriate gas service provider for the provision of permanent or temporary natural gas services to this Plan.
17. That the Owner agree to make satisfactory arrangements for the provision of permanent or temporary telecommunications and cable services to this Plan.
18. That the Owner agree that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.

## Canada Post

19. That the Owner agrees to make satisfactory arrangements for the installation of postal boxes, if deemed necessary by Canada Post. The location and construction standard of community postal boxes shall be jointly approved by Canada Post and the Town of South Bruce Peninsula.

## **Natural Heritage**

20. Prior to final approval an EIS Addendum Report shall be submitted to the County. The report shall:
- a. confirm that the identified constraints and limits are upheld / implemented on the Site Plan;
  - b. Assess impacts associated with the proposed development / site plan including, as applicable, but not limited to limit of grading, stormwater / hydrologic impacts, servicing, outlets and water quality, habitat, occupancy impacts, etc.
  - c. If the time elapsed is greater than 5 years from conditional approval, surveys to verify site conditions may be required.
  - d. A Species at Risk screening to verify that there are no new Species at Risk listed since the time of approval with potential to be impacted by the proposed development / site alteration.

## **Grey Sauble Conservation Authority**

21. That prior to any site alteration/grading or construction on-site, and prior to Final Approval of the subdivision by the County, the Owner shall prepare the following reports/plans, completed to the satisfaction of the Grey Sauble Conservation Authority:
- a. All recommendations from the Environmental Impact Study must be followed, with written confirmation from the project ecologist/biologist that each recommendation has/is/continues to be followed;
  - b. Final Lot Grading, Drainage, Tree Retention, and Sediment and Erosion Control Plans; and
  - c. Final Functional Servicing Report.

22. That the Subdivision Agreement between the Owner and the Town of South Bruce Peninsula contain provisions with wording acceptable to the Grey Sauble Conservation Authority relating to the Final Lot Grading, Drainage, Tree Retention, and Sediment and Erosion Control Plans, and Final Functional Servicing Report.

## **Saugeen Ojibway Nation**

23. That prior to development or site alteration, the Saugeen Ojibway Nation Environment Office confirm that its interests related to archaeological resource potential and natural heritage features in the Plan area have been addressed.

## **Historic Saugeen Métis**

24. That prior to development or site alteration, the Historic Saugeen Métis Lands, Resources and Consultation Department confirm that its interests related to archaeological resource potential and natural heritage features in the Plan area have been addressed.

## **Archaeology**

25. That prior to development or site alteration, the Owner provide to the County of Bruce correspondence from the appropriate Ministry confirming that the Archaeological Assessment completed for the Plan area has been accepted into the Ontario Public Register of Archaeological Reports.

## **Phasing and Lapsing**

26. The registration of this Plan is not permitted in phases.
27. Draft Approval for Plan of Subdivision S-2022-030 for Barry's Construction and Insulation Ltd. in the Town of South Bruce Peninsula shall lapse 3 years from the date of approval.

## **Official Plan and Zoning By-law**

28. That the County of Bruce be advised by the Town of South Bruce Peninsula that the Plan of Subdivision conforms to the Town of South Bruce Peninsula Local Official Plan approved under the Planning Act.
29. That the County of Bruce be advised by the Town of South Bruce Peninsula that the Plan of Subdivision conforms to the Zoning By-law approved under the Planning Act.

## **Digital Plan Submission**

30. That prior to Final Approval, the Owner shall submit to the County of Bruce and Town of South Bruce Peninsula a digital file of the Plan to be registered in Shapefile (shp) format referenced to NAD83 UTM.

## **Clearance Conditions**

That prior to Final Approval being given by the County of Bruce, the County shall receive a clearance letter from the following agencies indicating how conditions applicable to their authority have been completed to their satisfaction:

31. Town of South Bruce Peninsula (conditions 3 to 14 inclusive, 28 and 29);
32. Electricity Service Provider (condition 15);
33. Gas Utility Provider (condition 16);
34. Telecommunications and Cable Service Provider (conditions 17 and 18);
35. Canada Post (conditions 19);
36. Grey Sauble Conservation Authority (conditions 21 and 22);
37. Saugeen Ojibway Nation (condition 23);
38. Historic Saugeen Metis (condition 24).

# General Notes to Draft Approval

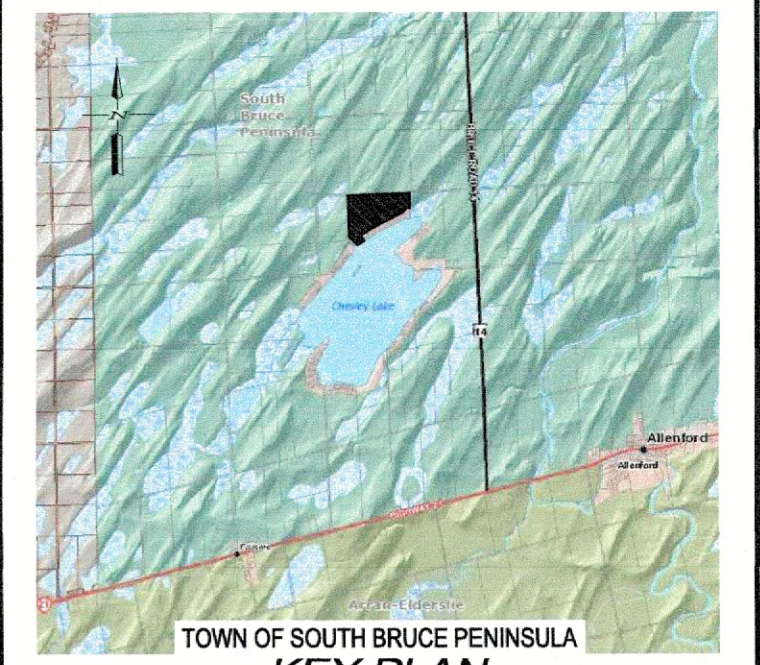
1. It is the Owner's responsibility to fulfill the Conditions of Draft Approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the County of Bruce Planning and Development Department quoting the appropriate subdivision file number.
2. Clearance letters are required from the agencies listed under "Clearance Conditions" of this approval.
3. Final Approval – An 'Application for Final Approval' together with all supporting documentation, plans and the required filing fee must be submitted to the County of Bruce. If the plans comply with the terms of approval, and the County of Bruce has received the required agency clearances, the County's stamp of approval will be endorsed on the plan, and it will be forwarded to the Registry Office for registration.

The number of mylar(s) and white paper prints as required for registration under the Registry Act must be submitted to the County of Bruce along with the 'Application for Final Approval'.

We strongly recommend that a 'draft' of the Final Plan be submitted to the County and the Registry Office for pre-clearance prior to the submission of any Application.

4. You are advised to consult the Land Registrar for requirements for registration prior to applying to the County of Bruce for Final Approval.
5. Inauguration, or extension of a water works is subject to the approval of the Ministry of the Environment under Section 52 and Section 53 of the Ontario Water Resources Act, R.S.O. 1990.
6. Note that you will not be advised in writing of the lapsing date of the Draft Plan Approval. It is your responsibility to provide the approval body with the required information and fees to extend this draft approval. Should the information and fees not be received prior to the lapsing date, the Draft Plan Approval will lapse. Please note that an updated review of the plan and revision to the Conditions of Approval may be necessary if an extension is to be granted.





**DRAFT PLAN  
OF  
PROPOSED DEVELOPMENT**  
PART OF PART 1, PLAN 3R-1478 &  
PART OF PART 2, PLAN 3R-1478  
GEOGRAPHIC TOWNSHIP OF AMABEL  
COUNTY OF BRUCE

**OWNER'S CERTIFICATE**  
I, THE REGISTERED OWNER OF THESE LANDS, HEREBY AUTHORIZE GM BLUEPLAN ENGINEERING LIMITED TO SUBMIT THIS DRAFT PLAN FOR APPROVAL.  
*[Signature]* DATE: *SEP 7/23*  
BARRY'S CONSTRUCTION AND INSULATION LTD.

**SURVEYOR'S CERTIFICATE**  
I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.  
*[Signature]* DATE: *SEP 7/23*  
HEWETT AND MILNE LTD.

**BENCHMARK 1 ELEV. - 242.14m**  
TOP OF SIB LOCATED ON THE NORTH EASTERLY CORNER OF PART 1, PLAN 3R-1478.

**BENCHMARK 2 ELEV. - 233.91m**  
TOP OF SIB LOCATED ON THE NORTH EASTERLY CORNER OF KIMBERLY LANE & FOREMAN DRIVE.

THE POSITION OF POLE LINES, CONDUITS, WATERMANS, SEWERS AND OTHER UNDERGROUND AND OVERGROUND UTILITIES AND STRUCTURES IS NOT NECESSARILY SHOWN ON THE CONTRACT DRAWINGS, AND, WHERE SHOWN, THE ACCURACY OF THE POSITION OF SUCH UTILITIES AND STRUCTURES IS NOT GUARANTEED.  
BEFORE STARTING WORK, THE CONTRACTOR SHALL INFORM HIMSELF OF THE EXACT LOCATION OF ALL SUCH UTILITIES AND STRUCTURES, AND SHALL ASSUME ALL LIABILITY FOR ANY DAMAGE TO THEM.

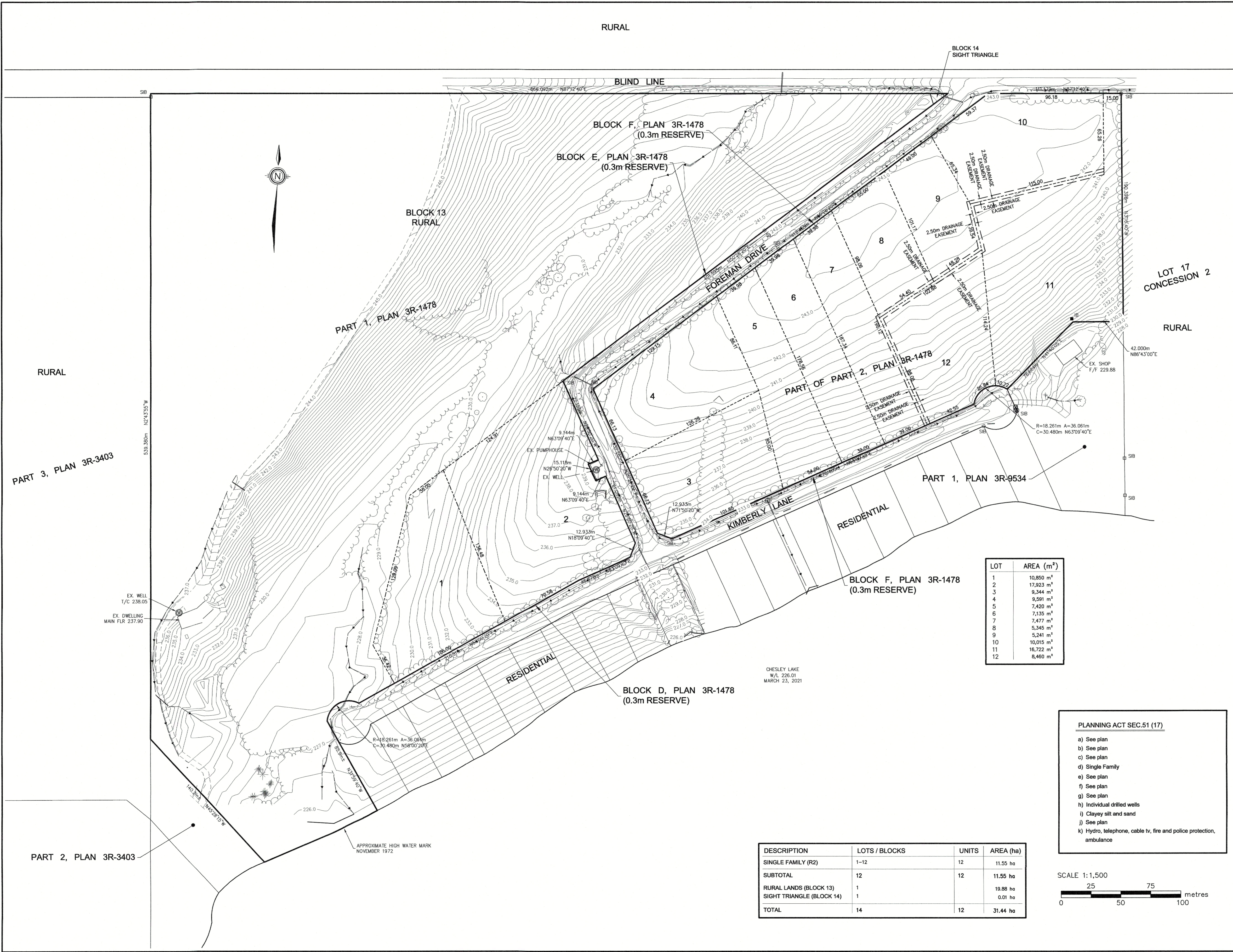
NO.	DATE	REVISION DESCRIPTION	CHKD



**CHESLEY LAKE SUBDIVISION**  
BARRY'S CONSTRUCTION AND INSULATION LTD.  
TOWN OF SOUTH BRUCE PENINSULA  
(GEOGRAPHIC TOWNSHIP OF AMABEL)

**DRAFT PLAN**

DRAWN BY: E.J.T.	APPROVED BY: W.E.D.	PROJECT NO.: 220171	DRAWING NO.: DP
DESIGNED BY: E.J.T.	DATE: SEP 7, 2023	SCALE: 1:1,500	



LOT	AREA (m <sup>2</sup> )
1	10,850 m <sup>2</sup>
2	17,923 m <sup>2</sup>
3	9,344 m <sup>2</sup>
4	9,591 m <sup>2</sup>
5	7,420 m <sup>2</sup>
6	7,135 m <sup>2</sup>
7	7,477 m <sup>2</sup>
8	5,345 m <sup>2</sup>
9	5,241 m <sup>2</sup>
10	10,015 m <sup>2</sup>
11	16,722 m <sup>2</sup>
12	8,460 m <sup>2</sup>

DESCRIPTION	LOTS / BLOCKS	UNITS	AREA (ha)
SINGLE FAMILY (R2)	1-12	12	11.55 ha
SUBTOTAL	12	12	11.55 ha
RURAL LANDS (BLOCK 13)	1		19.88 ha
SIGHT TRIANGLE (BLOCK 14)	1		0.01 ha
<b>TOTAL</b>	<b>14</b>	<b>12</b>	<b>31.44 ha</b>

**PLANNING ACT SEC.51 (17)**  
a) See plan  
b) See plan  
c) See plan  
d) Single Family  
e) See plan  
f) See plan  
g) See plan  
h) Individual drilled wells  
i) Clayey silt and sand  
j) See plan  
k) Hydro, telephone, cable tv, fire and police protection, ambulance

2023-09-07 10:00:00 AM  
 L:\E\AMABEL\2023\2023-09-07\2023-09-07-10-00-00.dwg  
 PLOTTED BY: E.J.T. DATE: 2023-09-07 10:00:00 AM  
 PLOT: 2023-09-07 10:00:00 AM  
 539.35mm 421355 W

MDS I Calculations for:

1. 316 Blind Line - Murray Mizen - required setback 442 m vs. actual setback 300 m measured to area being rezoned/re-designated.
2. 392 Blind Line - Larry Skinner- required setback 388 m vs. actual setback 330 m measured to area being rezoned/re-designated.
3. 143 C Line - Tyler Gibson- required setback 443 m vs. actual setback of 660 m measured to property line.
4. 460 Bruce Road 14 - Gordon Davidson - required setback 366 m vs. actual setback 1152 m measured to property line.
5. 346 Bruce Road 14 - C. Mizen - required setback 384 m vs. actual setback 980 m measured to property line.
6. 434 Blind Line- Brian Mizen - required setback 546 m vs. actual setback 840 m measured to property line.
7. 182 Blind Line - Murray mizen - required setback to barn 339 m vs. actual setback 786 m. - Required setback to liquid manure storage 406 m vs. actual setback 786 m measured to property line.
8. 21 Sunnyview Drive- Per Guideline #12 there are more than 20 dwellings between the proposed development and the livestock facility over a distance of 1134 m. The Guideline stipulates that the proposed development cannot be located closer than the dwelling furthest from the livestock facility.

**Stonaleen Farm**

**General information**

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**Application date**

Nov 29, 2023

**Municipal file number**

S30, C 16 L18 and Z142

**Proposed application**

Lot creation for four, or more, residential lots outside of a settlement area

**Applicant contact information**

Stuart Doyle  
Barry's Construction and Insulation Ltd.  
7839 Highway 21  
Allenford, ON  
N0H 1A0  
519-934-3374  
stu@barrysconstruction.ca

**Location of subject lands**

County of Bruce  
Town of The South Bruce Peninsula  
AMABEL  
Concession 3 , Lot 18  
Roll number: 410254000127150

**Notes**

The application also includes 410254000127100; proposed development is 2 lots. Info entered is for the lot closest to the livestock facility.

## Calculations

### Barn and Manure Storage

#### Farm contact information

Larry and Nancy Skinner  
Stonaleen Farms Ltd.  
392 Blind Line  
Amabel, ON  
N0H 2T0  
larryskinner@cyg.net

#### Location of existing livestock facility or anaerobic digester

County of Bruce  
Town of The South Bruce Peninsula  
AMABEL  
Concession 2, Lot 19  
Roll number: 410254000202400



Total lot size  
81 ha

#### Livestock/manure summary

Manure Form	Type of livestock/manure	Existing maximum number	Existing maximum number (NU)	Estimated livestock barn area
Solid	Swine, Sows with litter, dry sows/boars	80	22.9 NU	223 m <sup>2</sup>

#### Setback summary

Existing manure storage	V3. Solid, outside, no cover, >= 30% DM		
Design capacity	22.9 NU		
Potential design capacity	45.7 NU		
Factor A (odour potential)	1	Factor B (design capacity)	251.44
Factor D (manure type)	0.7	Factor E (encroaching land use)	2.2

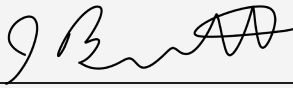
Building base distance 'F' (A x B x D x E) (minimum distance from livestock barn)	388 m (1273 ft)
Actual distance from livestock barn	330 m (1083 ft) 
Storage base distance 'S' (minimum distance from manure storage)	388 m (1273 ft)
Actual distance from manure storage	330 m (1083 ft) 

### Preparer signoff & disclaimer

#### Preparer contact information

Jenn Burnett  
Bruce County  
268 Berford Street  
Wiarton, ON  
N0H 2T0  
226-909-2860  
jburnett@brucecounty.on.ca

Signature of preparer



---

Jenn Burnett , Senior Development  
Planner

Nov-29-2023

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Date (mmm-dd-yyyy)

**Note to the user**

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Mizen Barn

General information

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**Application date**

Nov 29, 2023

**Municipal file number**

S30, C16, L18 and Z142

**Proposed application**

Lot creation for four, or more, residential lots outside of a settlement area

**Applicant contact information**

Stuart Doyle  
Barry's Construction and Insulation Ltd.  
7839 Hwy 21  
Allenford, ON  
N0H 1A0  
519-934-3374  
stu@barrysconstruction.ca

**Location of subject lands**

County of Bruce  
Town of The South Bruce Peninsula  
AMABEL  
Concession 2 , Lot 18  
Roll number: 410254000127100

**Notes**

Proposed Development is 2 lots; info entered is for the lot closest to the livestock facility.

## Calculations

### Barn and Manure Storage

#### Farm contact information

Murray Mizen  
316 Blind Line South Bruce Peninsula  
Amabel, ON  
N0H 2T0

#### Location of existing livestock facility or anaerobic digester

County of Bruce  
Town of The South Bruce Peninsula  
AMABEL  
Concession 3 , Lot 17  
Roll number: 410254000202200

#### Total lot size

40 ha

#### Notes

Actual distances area measured from the closest part of the lot being rezoned per MDS Guideline #40. The zoning application requests relief to the required 442 m setback to 385 m and 410 m for building envelopes.


#### Livestock/manure summary

Manure Form	Type of livestock/manure	Existing maximum number	Existing maximum number (NU)	Estimated livestock barn area
Solid	Beef, Cows, including calves to weaning (all breeds), Yard/Barn	70	70 NU	325 m <sup>2</sup>


#### Setback summary

Existing manure storage	V3. Solid, outside, no cover, >= 30% DM		
Design capacity	70 NU		
Potential design capacity	210 NU		
Factor A (odour potential)	0.7	Factor B (design capacity)	409.37
Factor D (manure type)	0.7	Factor E (encroaching land use)	2.2

Building base distance 'F' (A x B x D x E)  
(minimum distance from livestock barn) 442 m (1450 ft)

Actual distance from livestock barn 300 m (984 ft) 

Storage base distance 'S'  
(minimum distance from manure storage) 442 m (1450 ft)

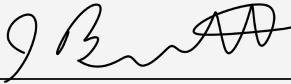
Actual distance from manure storage 311 m (1020 ft) 

### Preparer signoff & disclaimer

#### Preparer contact information

Jenn Burnett  
Bruce County  
268 Berford Street  
Warton, ON  
N0H 2T0  
226-909-2860  
jburnett@brucecounty.on.ca

Signature of preparer



Jenn Burnett , Senior Development  
Planner

Nov-29-2023

Date (mmm-dd-yyyy)

**Note to the user**

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Davidson 460 Bruce Rd 14

General information

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**Application date**

Nov 29, 2023

**Municipal file number**

S30, C16, L18 and Z142

**Proposed application**

Lot creation for four, or more, residential lots outside of a settlement area

**Applicant contact information**

Stuart Doyle  
Barry's Construction and Insulation Ltd.  
7839 Highway 21  
Allenford, ON  
N0H 1A0  
519-934-3374  
stu@barrysconstruction.ca

**Location of subject lands**

County of Bruce  
Town of The South Bruce Peninsula  
AMABEL  
Concession 2 , Lot 18  
Roll number: 410254000127100

**Notes**

The application consists of 2 parcels. The parcel closest to the farm has been used in the calculation.

## Calculations

### Davidson Farm

#### Farm contact information

Gordon Davidson  
460 Bruce Road 14  
Allenford, ON  
N0H 1A0

#### Location of existing livestock facility or anaerobic digester

County of Bruce  
Town of The South Bruce Peninsula  
AMABEL  
Concession 3 , Lot 15  
Roll number: 410254000201900

Total lot size  
39.54 ha

#### Notes

Attended the property twice. No one answered the door on first visit and no vehicles at house on 2nd visit.

#### Livestock/manure summary

Manure Form	Type of livestock/manure	Existing maximum number	Existing maximum number (NU)	Estimated livestock barn area
Solid	Beef, Feeders (7 - 16 months), Yard/Barn	79	26.3 NU	330 m <sup>2</sup>



#### Confirm Livestock/Manure Information (Davidson Farm)

The livestock/manure information has not been confirmed with the property owner and/or farm operator.

#### Setback summary

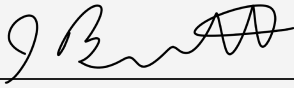
Existing manure storage	V3. Solid, outside, no cover, >= 30% DM		
Design capacity	26.3 NU		
Potential design capacity	79 NU		
Factor A (odour potential)	0.8	Factor B (design capacity)	296.97
Factor D (manure type)	0.7	Factor E (encroaching land use)	2.2
Building base distance 'F' (A x B x D x E) (minimum distance from livestock barn)			366 m (1201 ft)
Actual distance from livestock barn			1152 m (3779 ft)
Storage base distance 'S' (minimum distance from manure storage)			366 m (1201 ft)
Actual distance from manure storage			1152 m (3779 ft)

#### Preparer signoff & disclaimer

##### Preparer contact information

Jenn Burnett  
Bruce County  
268 Berford Street  
Warton, ON  
N0H 2T0  
226-909-2860  
jburnett@brucecounty.on.ca

Signature of preparer



Jenn Burnett , Senior Development  
Planner

Nov-29-2023

Date (mmm-dd-yyyy)

**Note to the user**

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143 C Line Gibson

General information

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**Application date**

Nov 29, 2023

**Municipal file number**

S30, C16, L18 and Z142

**Proposed application**

Lot creation for four, or more, residential lots outside of a settlement area

**Applicant contact information**

Stuart Doyle  
Barry's Construction and Insulation Ltd.  
7839 Highway 21  
Allenford, ON  
N0H 2T0  
519-934-3374  
stu@barrysconstruction.ca

**Location of subject lands**

County of Bruce  
Town of The South Bruce Peninsula  
AMABEL  
Concession 2 , Lot 19  
Roll number: 410254000127150

## Calculations

### 143 C Line T. Gibson

#### Farm contact information

Tyler Gibson  
143 C Line  
Allenford, ON  
N0H 1A0  
n/a

#### Location of existing livestock facility or anaerobic digester

County of Bruce  
Town of The South Bruce Peninsula  
AMABEL  
Concession C , Lot 9  
Roll number: 410254000509300

Total lot size  
43.3 ha

#### Livestock/manure summary

Manure Form	Type of livestock/manure	Existing maximum number	Existing maximum number (NU)	Estimated livestock barn area
Solid	Beef, Cows, including calves to weaning (all breeds), Yard/Barn	60	60 NU	279 m <sup>2</sup>
Solid	Beef, Cows, including calves to weaning (all breeds), Yard/Barn	10	10 NU	46 m <sup>2</sup>

#### Setback summary

Existing manure storage	V3. Solid, outside, no cover, >= 30% DM		
Design capacity	70 NU		
Potential design capacity	210 NU		
Factor A (odour potential)	0.7	Factor B (design capacity)	409.37
Factor D (manure type)	0.7	Factor E (encroaching land use)	2.2

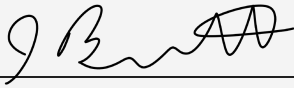
Building base distance 'F' (A x B x D x E) (minimum distance from livestock barn)	442 m (1450 ft)
Actual distance from livestock barn	660 m (2165 ft)
Storage base distance 'S' (minimum distance from manure storage)	442 m (1450 ft)
Actual distance from manure storage	660 m (2165 ft)

#### Preparer signoff & disclaimer

##### Preparer contact information

Jenn Burnett  
Bruce County  
268 Berford Street  
Wiarton, ON  
N0H 2T0  
226-909-2860  
jburnett@brucecounty.on.ca

Signature of preparer



Jenn Burnett , Senior Development  
Planner

Nov-29-2023

Date (mmm-dd-yyyy)

**Note to the user**

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182 Blind Line

General information

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**Application date**

Nov 29, 2023

**Municipal file number**

S30, C16, L18, Z142

**Proposed application**

Lot creation for four, or more, residential lots outside of a settlement area

**Applicant contact information**

Stuart Doyle  
Barry's Construction and Insulation Ltd.  
7839 Highway 21  
Allenford, ON  
N0H 1A0  
519-934-3374  
stu@barrysconstruction.ca

**Location of subject lands**

County of Bruce  
Town of The South Bruce Peninsula  
AMABEL  
Concession 2 , Lot 19  
Roll number: 410254000127150

## Calculations

### M Mizen 1 ha

#### Farm contact information

Murray Mizen  
182 Blind Line  
Allenford, ON  
N0h 1A0

#### Location of existing livestock facility or anaerobic digester

County of Bruce  
Town of The South Bruce Peninsula  
AMABEL  
Concession 3 , Lot 20  
Roll number: 410254000202501

#### Total lot size

1 ha

#### Notes

Assessment info indicates a freestanding liquid manure tank. Airphoto confirms. Called the owner and left a message, no response. Size of facility estimated with GIS measure tool.

#### Livestock/manure summary

Manure Form	Type of livestock/manure	Existing maximum number	Existing maximum number (NU)	Estimated livestock barn area
Liquid	Beef, Feeders (7 - 16 months), Yard/Barn	47	15.7 NU	196 m <sup>2</sup>
Liquid	Beef, Feeders (7 - 16 months), Yard/Barn	74	24.7 NU	309 m <sup>2</sup>



#### Confirm Livestock/Manure Information (M Mizen 1 ha)

The livestock/manure information has not been confirmed with the property owner and/or farm operator.

#### Setback summary

Existing manure storage	M1. Liquid, outside, no cover, straight-walled storage		
Design capacity	40.3 NU		
Potential design capacity	40.3 NU		
Factor A (odour potential)	0.8	Factor B (design capacity)	240.66
Factor D (manure type)	0.8	Factor E (encroaching land use)	2.2
Building base distance 'F' (A x B x D x E) (minimum distance from livestock barn)			339 m (1112 ft)
Actual distance from livestock barn			786 m (2579 ft)
Storage base distance 'S' (minimum distance from manure storage)			406 m (1332 ft)
Actual distance from manure storage			786 m (2579 ft)

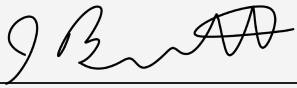
## Preparer signoff & disclaimer

#### Preparer contact information

Jenn Burnett  
Bruce County  
268 Berford Street  
Warton, ON  
N0H 2T0  
226-909-2860  
jburnett@brucecounty.on.ca



Signature of preparer



Jenn Burnett , Senior Development  
Planner

Nov-29-2023

Date (mmm-dd-yyyy)

**Note to the user**

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346 Bruce Rd. 14 C. Mizen

General information

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**Application date**

Nov 29, 2023

**Municipal file number**

S30, C16, L18 and Z14

**Proposed application**

Lot creation for four, or more, residential lots outside of a settlement area

**Applicant contact information**

Stuart Doyle  
Barry's Construction and Insulation Ltd.  
7839 Highway 21  
Allenford, ON  
N0H 1A0  
519-934-3374  
stu@barrysconstruction.ca

**Location of subject lands**

County of Bruce  
Town of The South Bruce Peninsula  
AMABEL  
Concession 2, Lot 18  
Roll number: 410254000127100

**Notes**

Proposal consists of 2 parcels. Setback calculated to closest lot to farm.

## Calculations

Chris Mizen

### Farm contact information

Chris Mizen  
346 Bruce Road 14  
Allenford, ON  
N0H 1A0

### Location of existing livestock facility or anaerobic digester

County of Bruce  
Town of The South Bruce Peninsula  
AMABEL  
Concession 2, Lot 15  
Roll number: 410254000123500

Total lot size  
38.73 ha

### Notes

Attended property twice, no response.

### Livestock/manure summary

Manure Form	Type of livestock/manure	Existing maximum number	Existing maximum number (NU)	Estimated livestock barn area
Solid	Beef, Feeders (7 - 16 months), Yard/Barn	95	31.7 NU	397 m <sup>2</sup>



### Confirm Livestock/Manure Information (Chris Mizen)

The livestock/manure information has not been confirmed with the property owner and/or farm operator.

### Setback summary

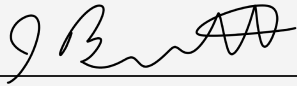
Existing manure storage	V3. Solid, outside, no cover, >= 30% DM		
Design capacity	31.7 NU		
Potential design capacity	95 NU		
Factor A (odour potential)	0.8	Factor B (design capacity)	311.29
Factor D (manure type)	0.7	Factor E (encroaching land use)	2.2
Building base distance 'F' (A x B x D x E) (minimum distance from livestock barn)			384 m (1260 ft)
Actual distance from livestock barn			980 m (3215 ft)
Storage base distance 'S' (minimum distance from manure storage)			384 m (1260 ft)
Actual distance from manure storage			980 m (3215 ft)

## Preparer signoff & disclaimer

### Preparer contact information

Jenn Burnett  
Bruce County  
268 Berford Street  
Warton, ON  
N0H 2T0  
226-909-2860  
jburnett@brucecounty.on.ca

Signature of preparer



---

Jenn Burnett, Senior Development  
Planner

Nov-29-2023

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Date (mmm-dd-yyyy)

**Note to the user**

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434 Blind Line Brian Mizen

General information

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**Application date**

Nov 29, 2023

**Municipal file number**

S30, C16, L18 and Z14

**Proposed application**

Lot creation for four, or more, residential lots outside of a settlement area

**Applicant contact information**

Stuart Doyle  
Barry's Construction and Insulation Ltd.  
7839 Highway 21  
Allenford, ON  
N0H 1A0  
519-934-3374  
stu@barrysconstruction.ca

**Location of subject lands**

County of Bruce  
Town of The South Bruce Peninsula  
AMABEL  
Concession 2 , Lot 19  
Roll number: 410254000127150

**Notes**

Proposal consists of 2 parcels. MDS setback applied to closest lot to farm.

## Calculations

### Brian Mizen Farm

#### Farm contact information

Brian Mizen  
434 Blind Line  
Allenford, ON  
N0H 1A0

#### Location of existing livestock facility or anaerobic digester

County of Bruce  
Town of The South Bruce Peninsula  
AMABEL  
Concession 3 , Lot 20  
Roll number: 410254000202500

#### Total lot size

42 ha

#### Livestock/manure summary

Manure Form	Type of livestock/manure	Existing maximum number	Existing maximum number (NU)	Estimated livestock barn area
Solid	Beef, Feeders (7 - 16 months), Yard/Barn	263	87.7 NU	1100 m <sup>2</sup>



#### Confirm Livestock/Manure Information (Brian Mizen Farm)

The livestock/manure information has not been confirmed with the property owner and/or farm operator.

#### Setback summary

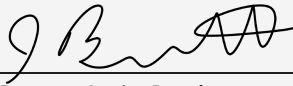
Existing manure storage	V3. Solid, outside, no cover, >= 30% DM		
Design capacity	87.7 NU		
Potential design capacity	263 NU		
Factor A (odour potential)	0.8	Factor B (design capacity)	442.93
Factor D (manure type)	0.7	Factor E (encroaching land use)	2.2
Building base distance 'F' (A x B x D x E) (minimum distance from livestock barn)			546 m (1791 ft)
Actual distance from livestock barn			840 m (2756 ft)
Storage base distance 'S' (minimum distance from manure storage)			546 m (1791 ft)
Actual distance from manure storage			840 m (2756 ft)

#### Preparer signoff & disclaimer

##### Preparer contact information

Jenn Burnett  
Bruce County  
268 Berford Street  
Wiarton, ON  
N0H 2T0  
226-909-2860  
jburnett@brucecounty.on.ca

Signature of preparer



Jenn Burnett , Senior Development  
Planner

Nov-29-2023

Date (mmm-dd-yyyy)

**Note to the user**

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## Default Factor Calculation

### General information

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**Application date**

Nov 24, 2023

**Municipal file number**

S30, C16, L18 and Z142

**Proposed application**

New or expanding zone or designation for a residential use outside of a settlement area (e.g. estate or rural residential)

**Applicant contact information**

Stuart Doyle  
Barry's Construction and Insulation Ltd.  
7839 Highway 21  
Allenford, ON  
N0H 1A0  
519-934-3374  
stu@barrysconstruction.ca

**Location of subject lands**

County of Bruce  
Town of The South Bruce Peninsula  
AMABEL  
Concession 2 , Lot 19  
Roll number: 410254000127150



## Calculations

### Default Factor Calculation

#### Farm contact information

Larry and Nancy Skinner  
Stonaleen Farms Ltd.  
392 Blind Line  
Amabel, ON  
N0H 2T0  
519-492-0081  
larryskinner@cyg.net


#### Location of existing livestock facility or anaerobic digester

County of Bruce  
Town of The South Bruce Peninsula  
AMABEL  
Concession 3, Lot 19  
Roll number: 410254000202400



Total lot size  
81 ha

### Livestock/manure summary

Manure Form	Type of livestock/manure	Existing maximum number	Existing maximum number (NU)	Estimated livestock barn area
Solid	Unoccupied Livestock Barn	400 m <sup>2</sup>	20 NU	400 m <sup>2</sup>

 **Unoccupied Barn or Unused Storage (Default Factor Calculation)**  
The calculated setback is based on assumptions for an unoccupied barn or unused storage that may not reflect the actual design capacity.

### Setback summary

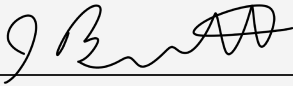
Existing manure storage	V3. Solid, outside, no cover, >= 30% DM		
Design capacity	20 NU		
Potential design capacity	40 NU		
Factor A (odour potential)	1	Factor B (design capacity)	240
Factor D (manure type)	0.7	Factor E (encroaching land use)	2.2
Building base distance 'F' (A x B x D x E) (minimum distance from livestock barn)	370 m (1214 ft)		
Actual distance from livestock barn	330 m (1083 ft) 		
Storage base distance 'S' (minimum distance from manure storage)	370 m (1214 ft)		
Actual distance from manure storage	330 m (1083 ft) 		

### Preparer signoff & disclaimer

#### Preparer contact information

Jenn Burnett  
Bruce County  
268 Berford Street  
Warton, ON  
N0H 2T0  
226-909-2860  
jburnett@brucecounty.on.ca

Signature of preparer



Jenn Burnett , Senior Development  
Planner

Nov-29-2023

Date (mmm-dd-yyyy)

**Note to the user**

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## Skinner Reverse MDS II Calc

### General information

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**Application date**

Nov 16, 2023

**Municipal file number**

S30, C16, L18 and Z142

**Applicant contact information**

Stuart Doyle  
Barry's Construction and Insulation Ltd.  
7839 Highway 21  
Allenford, ON  
N0H 1A0  
519-934-3374  
stu@barrysconstruction.ca

**Location of subject livestock facilities**

County of Bruce  
Town of The South Bruce Peninsula  
AMABEL  
Concession 3 , Lot 19  
Roll number: 410254000202400

## Calculations

### Skinner Reverse MDS II Calc

#### Notes

Calculated as a new or altered facility to generate a required setback distance. Calculated based on information provided by Larry Skinner to Planner.

#### Livestock/manure summary

Manure Form	Type of livestock/manure	Existing maximum	Total after alteration	Estimated livestock barn area
Solid	Swine, Sows with litter, dry sows/boars	0 (0 NU)	80 (22.9 NU)	223 m <sup>2</sup>

#### Setback summary

Existing manure storage	V3. Solid, outside, no cover, >= 30% DM		
Existing design capacity	0 NU		
Design capacity after alteration	22.9 NU		
Factor A (odour potential)	1	Factor B (design capacity)	205.72
Factor C (orderly expansion)	1.14	Factor D (manure type)	0.7
Building base distance 'F' (A x B x C x D) (minimum distance from livestock barn)	165 m (541 ft)		
Storage base distance 'S' (minimum distance from manure storage)	165 m (541 ft)		

#### Setback distance summary

Description	Building setbacks		Storage setbacks	
	Minimum	Actual	Minimum	Actual
Type A land uses	165 m (541 ft)	NA (Not available)	165 m (541 ft)	NA (Not available)
Type B land uses	330 m (1083 ft)	330 m (1083 ft)	330 m (1083 ft)	330 m (1083 ft)
Nearest lot line (side or rear)	17 m (54 ft)	NA (Not available)	17 m (54 ft)	NA (Not available)
Nearest road allowance	33 m (108 ft)	NA (Not available)	33 m (108 ft)	NA (Not available)

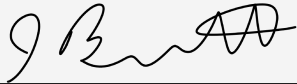
#### Preparer signoff & disclaimer

##### Preparer contact information

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N0H 2T0  
226-909-2860  
jburnett@brucecounty.on.ca

Signature of preparer



Nov-29-2023

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Jenn Burnett , Senior Development  
Planner

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Date (mmm-dd-yyyy)

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PLANNING  
URBAN DESIGN  
& LANDSCAPE  
ARCHITECTURE

November 8, 2023

Jennifer Burnett  
Senior Planner  
Planning and Development  
Corporation of the County of Bruce  
268 Berford St, P.O. Box 129  
Warton, ON N0H 2T0

Dear Ms. Burnett:

**RE: Opinion on Application of Minimum Distance Separation (MDS) Setbacks proposed 12 Lot subdivision development at Part Lots 18 and 19 (Amabel) in the Town of South Bruce Peninsula at Chesley Lake**

**OUR FILE: 23340A**

---

Further to direction from South Bruce Peninsula Council and Bruce County Council for additional information regarding Minimum Distance Separation (MDS) as it applies to the above noted plan of subdivision, MHBC is pleased to address your questions regarding the application of the Minimum Distance Separation (MDS) calculations to the above noted proposed plan of subdivision and provide our professional opinion regarding the same.

### **Background**

It is our understanding that an application has been made with the Town of South Bruce Peninsula for a plan of subdivision to create 12 lots that will be serviced by municipal water and private septic services. The subject lands are designated "Rural" in the South Bruce Peninsula Official Plan (SBPOP) and are not located in a settlement area. While Section 1.1.3.1 of the PPS 2020, directs that settlement areas shall be the focus of growth, Section 4.6 in the Implementation Section of the PPS also states that the Official Plan is the most important vehicle for implementation of the PPS. Therefore, County of Bruce staff referred to the SBPOP for direction regarding this proposed development. Section 2.3.3 of the SBPOP supports a limited amount of Estate Residential Development in the rural area as stated in the following policy: "A limited amount for additional growth will be permitted in the rural and hamlet communities primarily through infilling, estate residential /rural business park development, existing vacant lot development and severance activity"

There are two barns in the immediate vicinity one at 316 Blind Line, the other at 392 Blind Line. The MDS formula was applied by the County Staff to the existing barn located on the 100 acres farm at 316 Blind Line, a minimum separation distance of 442m was required. The MDS formula was not applied to the property at 392 Blind Line, as the barn on the property is no longer equipped to house livestock, as it has been decommissioned and is now used as a storage facility for a cash crop operation. An open temporary storage area for manure exist to the north of the decommissioned barn, but it is not a liquid manure tank.

### **PPS (2020) Conformity**

The Provincial Policy Statement (PPS) is a legislative policy document that provides policy direction on matters of provincial interest related to land use planning and development including the application of MDS when considering lot creation or barn expansion in an agricultural area. PPS policy 1.1.5.8 states that new land uses in *rural areas*, including the creation of lots or new expanding livestock facilities, shall comply with the *minimum distance separation formulae*.

The PPS defines Minimum Distance Separation formulae as:

*formulae and guidelines developed by the Province, as amended from time to time, to separate uses so as to reduce incompatibility concerns about odour from livestock facilities.*

The province issued Minimum Distance Separation (MDS) Document, Formulae and Guidelines for Livestock Facilities and Anaerobic Digester Odour Setbacks, Publication 853 (herein after referred to as the 'MDS Guidelines') in 2016, which came into effect on March 1, 2017. This document implements the provincial policy and is intended to prevent land use conflicts and minimize nuisance complaints from odour. It is intended to be read in its entirety and all relevant Implementation Guidelines are to be applied to each situation as if they are specifically cross-referenced with each other.

### **County of Bruce Official Plan (adopted May 20, 1997 and last revised June 21<sup>st</sup>, 2010)**

The property at 316 Blind Line is designated Rural and Hazard in the Bruce County Official Plan. Similarly, the property at 392 Blind Line is also designated Rural in the Bruce County Official Plan.

Policy 5.6.1.1 states that the Rural Designation covers those lands that are for the most part undeveloped by urban type uses; the rural areas of the County are often appreciated for their pastoral sense of open space. However, the Rural designation in fact contains a mix of land uses and economic activities which include natural resource uses such as farming, forestry and aggregate extraction and tourism based activities such as nature appreciation and outdoor recreational uses.

Policy 5.6.1.2 goes on to state that the intent of the Rural designation is to balance rural development pressures with the need to preserve and protect the rural landscape. Economic activities in the Rural designation shall be those that take advantage of the natural attributes of the Rural area but, at the same time, conserve and protect the rural landscape for the enjoyment of future generations. New developments shall be low in scale and intensity, with particular attention being paid to the protection of the environment and increased service demands placed on rural municipalities.

Additionally, rural areas include those areas of Class 4, 5, 6 and 7 soils as defined by the Canada Land Inventory Soil Capability Classification for Agricultural Capability that are greater than 80 hectares in size and pockets of Class 1, 2 or 3 soils that are smaller than 80 hectares in size. As a result, this designation will include a combination of higher capability and lower capability soils. The designation has been determined based upon the 80 hectare majority of the predominant soil type.

The policy goes on to state that these areas have been identified as generally non-prime agricultural soils in Bruce County, based upon the Canada Land Inventory mapping. It is intended that a local municipality may develop a local strategy for identifying rural areas through an Amendment to this Plan, or by the preparation of a Local Official Plan.

Policy 5.6.4 outlines the following permitted uses in a rural area:

- i) Agricultural uses in accordance with Section 5.5.2 [Permitted Uses (Agricultural Areas)];
- ii) Farm Related Commercial and Industrial Uses in accordance with Section 5.5.9 [Farm Related Commercial and Industrial Uses (Agricultural Areas)];
- iii) Institutional Uses in accordance with Section 5.5.10 [Institutional Uses (Agricultural Areas)];
- iv) Home Industries and Home Occupations in accordance with Section 5.6.4.2 [Home Industries and Home Occupations (Rural Area)];
- v) Rural Industrial uses in accordance with Section 5.6.6 [Rural Industrial (Rural Area)];
- vi) Rural Commercial Uses in accordance with Section 5.6.7 [Rural Commercial (Rural Area)];
- vii) Non-Farm Residential use, including Additional Residential Units in accordance with 4.4.4.1 (xi) and Section 5.5.12; and,
- viii) Seasonal Residential Use.

Despite the Rural land use designation of properties containing the barns, the PPS Section 1.1.5.8 requires that new land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the *minimum distance separation formulae*. This is implemented through policy 5.5.11 in the County Official Plan which states:

1. New land uses, including the expansion of existing or the establishment of any non-agricultural uses including the creation of lots, and new or expanding livestock facilities shall comply with the Provincial Minimum Distance Separation Formulae (as amended from time to time).
2. The Municipal Comprehensive Zoning By-Law shall incorporate the Provincial Minimum Distance Separation (MDS) Formulae (as amended from time to time).
3. A Minor Variance or Zoning Amendment to allow for a reduction in the Provincial Minimum Distance Separation requirements shall consider at a minimum the following: (i) does the reduction have regard for the intent of the Official Plan; (ii) does the reduction have regard for the intent of the Zoning By-Law; (iii) is the reduction minor in nature; (iv) is the reduction desirable and appropriate for the area; and (v) can any potential environmental impacts be appropriately mitigated.



## **MDS Conformity**

In accordance with the PPS and the County Official Plan, the application of the minimum distance separation formulae for nearby barns was considered during the review of the subdivision application. The County staff applied the MDS calculation as required by the PPS, to the proposed development and 2 of the 12 lots require reductions in the setback from 442m to 410m and 385m respectively, which was supported through an amendment to the zoning by-law in accordance with the County of Bruce and South Bruce Peninsula Official plan policy. MDS I calculations from the barn at 392 Blind Line was not applied by the County, as the building (previously used for livestock) was decommissioned and is currently only used for storage and cannot be used to house livestock. We agree with the County's position as it relates to the applicability of MDS to this barn, as it is consistent with Guidelines 3 and 20, which does not require the application of MDS to certain unoccupied livestock barns. An unoccupied livestock barn is defined in the MDS Guidelines as:

*A livestock barn that does not currently house any livestock, but that housed livestock in the past and continues to be structurally sound and reasonably capable of housing livestock.*

In order to apply MDS to the unoccupied livestock barn, the barn must be structurally sound and reasonably capable of housing livestock. As noted, it is our understanding that the barn has been decommissioned and is not 'reasonably capable' of housing livestock. As a result, MDS should not apply to this barn.

However, as a 'cautionary' measure, we have applied Guideline 20 to the unoccupied barn. In accordance with MDS Guideline #20, when it is not possible to obtain the information from the farm operator then the following default factors are to be applied to unoccupied livestock barns:

- Factor A=1.0
- Factor B is based on 1 Nutrient unit/20m<sup>2</sup> of area of livestock housing (**Note**, it is our understanding that only 350 square metres of the barn was used to occupy livestock and this barn area was used in the calculation).
- (NOTE: assume barn is only one storey high if using Aerial photography)
- Factor D=0.7

These factors were applied to this site, which resulted in a Minimum Distance Separation of 344m being required from the proposed development. See **Figure 1** below. Based on the application of Guideline 20 to the unoccupied livestock barn, the proposed plan of subdivision complies with MDS.

### Unoccupied Livestock Barn MDS



Prepared By:  
MHBC

Notes:  
Calculated at a setback of 344 m



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THIS IS NOT A PLAN OF SURVEY.

Map Created: 10/24/2023  
Map Center: 44.56595 N, -81.21603 W

## **MDS from Manure storage**

The property at 392 Blind Line also appears to contain an existing concrete pad located behind the existing barn, that we understand has been used from time to time to temporarily store solid manure before it is spread on the adjacent agricultural fields. MDS Guidelines 3 and 4 specifies that “temporary field nutrient storage sites” or “transfer facilities” are not required to apply the MDS 1 calculation to these facilities, as they are not considered permanent manure storage. A temporary field nutrient storage site is regulated under the Nutrient Management Act, 2002. O. Reg 267/03 defines a temporary field nutrient storage site as:

*a location that is not a permanent nutrient storage facility and where solid prescribed materials are stored for more than 24 hours;*

The length of time permitted to field store manure depends on the dry matter content of the manure as well as other site conditions as regulated by the Nutrient Management Act. In certain circumstances, temporary field storage can occur for over 60 days, subject to meeting the requirements of the Regulation under the Act.

Furthermore, Guideline 4 applies to ‘manure transfer facilities’. These types of facilities store manure for less than 14 days before transfer to a longer-term permanent storage, or transfer to field spreading areas, or transfer off the farm. In accordance with Guideline 4, manure transfer facilities are not considered permanent manure storages and instead receive the same MDS setback as the

livestock barn. Therefore, in this instance the MDS setback of 344 metres, as calculated above, would be applied and measured from the manure transfer facility. As noted above, the proposed plan of subdivision complies with the MDS setbacks to the barn and by extension it would comply to the MDS setback to the manure transfer facility as it is located further way to the subdivision than the barn.

## **Opinion**

It is our understanding that the owner of 392 Blind Line (Mr. Skinner) has expressed concern over the proposed subdivision development to the south of his property, as the MDS 1 calculation was not applied.

Based on our understanding that the barn has been decommissioned and the manure storage is temporary, in accordance with MDS Guidelines 3 and/or 4, it is our opinion that the MDS 1 calculation is not required for the reasons cited above AND further that in order to apply the MDS 1 calculation, the barn has to be 'reasonably capable' of housing livestock and have appropriate permanent manure storage with an approved nutrient management plan to handle the nutrients generated on-site. Notwithstanding the above should MDS I be applied to the unoccupied barn at 392 Blind Line, the proposed plan of subdivision would comply with MDS in accordance with Guideline 20.

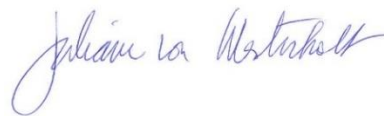
We trust the above satisfies your requirements. Should you require any further information, please do not hesitate to contact the undersigned.

Yours truly,

**MHBC**



Pierre Chauvin, BSc (Agr), MA, MCIP, RPP  
Partner



Juliane vonWesterholt, BES, MCIP, RPP  
Associate